

# Exhibit 1

Derek A. King, M.S., P.E.  
08/19/2024

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1 UNITED STATES DISTRICT COURT  
2 IN AND FOR THE DISTRICT OF WYOMING

3 STEPHANIE WADSWORTH, )  
individually and as )  
4 Parent and Legal ) CASE NO.  
Guardian of W.W., K.W., ) 2:23-cv-00118-NDF  
5 G.W., and L.W., minor )  
children, and MATTHEW )  
6 WADSWORTH, )  
)  
7 Plaintiffs, )  
)  
8 v. )  
)  
9 WALMART, INC. and JETSON )  
ELECTRIC BIKES, LLC, )  
10 )  
Defendants. )  
11  
12

13 ORAL DEPOSITION OF  
14 DEREK A. KING, M.S., P.E.  
15 MONDAY, AUGUST 19, 2024  
16  
17  
18  
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20  
21

22 REPORTED BY:

23 DEBRA A. DIBBLE, FAPR, RDR, CRR, CRC, Notary Public

24 California CSR 14345

25 JOB NO. 44990

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1 ORAL DEPOSITION OF DEREK A. KING, M.S., P.E.,  
2 produced as a witness at the instance of the  
3 Defendant Jetson Electric Bikes, LLC, and duly  
4 sworn, was taken in the above-styled and numbered  
5 cause on the above-referenced date, from 9:38 a.m.  
6 to 3:46 p.m. PDT, before Debra A. Dibble, CSR, CCR,  
7 RDR, CRR, Fellow of the Academy of Professional  
8 Reporters and California CSR 14345, reported by  
9 realtime stenographic means at the Doubletree  
10 Berkeley Marina, 200 Marina Boulevard, Berkeley,  
11 California, pursuant to the Federal Rules of Civil  
12 Procedure.

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1 Exhibit 83 TC 2580 - Batteries For Use 135

2 in Electric Vehicles

3 Exhibit 84 ANSI/CAN/UL/ULC 2580:2022 137

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1                   -----  
2                   P R O C E E D I N G S  
3                   August 19, 2024, 9:38 a.m. PDT

4                   -----  
5                   DEREK A. KING, M.S., P.E.,  
6                   having been first duly sworn,  
7                   testified as follows:

8                   EXAMINATION

9                   -----  
10 BY MR. LAFLAMME:

11       Q.   Dr. King, my name is Eugene LaFlamme. We  
12 met quickly off the record. In fact, I think we met  
13 back in February or so, whenever we were out at your  
14 location as well, correct?

15       A.   Yeah.

16       Q.   I represent the defendants in this case.  
17 You understand that you have been presented as an  
18 electrical battery expert in this case, correct?

19       A.   Yeah.

20       Q.   I understand you've had your deposition  
21 taken before, as I have your testimony list. And it  
22 looks like over the past, I don't know how many  
23 years this goes back, three or four years, about six  
24 depositions?

25       A.   Sounds right.



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1 Q. Since you are familiar with the process,  
2 I won't belabor all of the traditional five minutes  
3 of instructions that we go through for witnesses,  
4 unless you want me to. But the -- I did want to get  
5 a couple out, the most important two, from my  
6 perspective, are making sure that we're  
7 communicating. So if you don't understand one of my  
8 questions, don't hear it for whatever reason, let me  
9 know. I will rephrase it or have it read back,  
10 whatever is appropriate in the circumstances. Okay?

11 A. Yep. Sounds good.

12 Q. If you answer a question as worded, we're  
13 going to presume that you are doing your best to  
14 give an honest answer to that question.

15 Fair enough?

16 A. Yes.

17 Q. All right. Could you please state your  
18 full name for the record?

19 A. Derek Arthur King.

20 Q. And where are you currently employed?

21 A. Berkeley Engineering and Research.

22 Q. For simplicity purposes, are you okay if  
23 I call it BEAR?

24 A. Yes, please.

25 MR. LAFLAMME: And, Debbie, that's

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1 all capitalized, B-E-A-R.

2 BY MR. LAFLAMME:

3 Q. What is your position at BEAR currently?

4 A. Engineer.

5 Q. And any particular designation for  
6 engineer?

7 A. No.

8 Q. Or is engineer the title?

9 A. That's it.

10 Q. All right. How many engineers total are  
11 at BEAR?

12 A. Six, I believe.

13 Q. And how many employees total are at BEAR?

14 A. I'd say nine, maybe ten.

15 Q. So fair to state that the additional  
16 three to four employees, are they on the admin side?

17 A. Yes.

18 Q. When were you first hired on this case?

19 A. For this case? I actually don't  
20 remember. Yeah, I don't recall when we were  
21 retained.

22 Q. Do you recall that we had a lab  
23 inspection at your location, I think it was in --  
24 was it in February of this year?

25 A. Yes.

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1 Q. How long before that lab inspection had  
2 you been retained?

3 A. I would estimate six months, but...  
4 that's just an estimate. I think we could look at a  
5 retainer document to get a specific date.

6 Q. And that was not in your file, which is  
7 why I'm asking this.

8 A. Oh, sorry.

9 Q. That's all right. So you think it was  
10 about six months prior to the lab inspection at your  
11 location?

12 A. I believe so. Approximately.

13 Q. So that would be sometime, third or  
14 fourth quarter or so, of 2023?

15 A. Yeah. I feel like it was possibly in the  
16 summer. Summer of 2023.

17 Q. Is there anyone else from BEAR that has  
18 worked on this case, the Wadsworth case, besides  
19 you?

20 A. Yeah. I discussed the case with other  
21 people. Yeah.

22 Q. When you say you've discussed the case,  
23 are those just general discussions about the case or  
24 were they actually doing substantive work on this  
25 file as well?

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1 A. General discussions.

2 Q. And who else would you have had those  
3 general discussions with?

4 A. That would be David Rondinone.

5 Q. Can you spell Rondinone?

6 A. Yes, Rondinone is R-O-N-D-I-N-O-N-E.

7 Yeah. Also, probably with Glen Stevick  
8 as well as Rong Yuan, R-O-N-G, Y-U-E-N, I believe.

9 Q. Anyone else?

10 A. I don't think so.

11 Q. It sounds like David Rondinone would have  
12 been the person that you would have talked to the  
13 most out of the three on this case? Or is that not  
14 accurate?

15 A. No, I -- in terms of volume and  
16 discussion, probably Rong, the most.

17 Q. And did any of these three individuals  
18 that you spoke with at BEAR have any input in your  
19 report that you have issued in this case?

20 A. No input other than like an editing  
21 review.

22 Q. So at least as far as the substantive  
23 work that BEAR has done on this case, it sounds like  
24 that has been done by you, correct?

25 A. Yes.

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1 Q. And then these other three individuals  
2 that you've had some general discussions with about  
3 this case, they've been general or related to  
4 editing of your report?

5 A. Right.

6 Q. And when we discuss editing of the  
7 report, that isn't substantive editing, more  
8 stylistic or typographical-type editing?

9 A. That's right.

10 (King Deposition Exhibit 69 marked.)

11 BY MR. LAFLAMME:

12 Q. Mr. King, I'm going to show you what's  
13 been marked as Exhibit 69. And this is a copy of  
14 the testimony list that was provided.

15 How far back does this testimony list go?

16 A. It says 2022.

17 Q. And understanding that the last date is  
18 2022, do you have depositions and court testimony  
19 that would go back further in time?

20 A. No.

21 Q. No?

22 A. No.

23 Q. Okay. So the testimony list that we're  
24 looking at here, this is all-encompassing for your  
25 deposition and trial testimony for your career at

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1 BEAR?

2 A. Yes.

3 Q. And in looking at your testimony list for  
4 the six depositions that you have given, do any of  
5 these relate to a fire case?

6 MR. AYALA: Form.

7 A. No, they don't.

8 BY MR. LAFLAMME:

9 Q. Okay. And let me just clean that up a  
10 little bit. Do any of the depositions that you have  
11 given for your career at BEAR, do any of them  
12 involve any issues related to one of the products  
13 allegedly starting a fire?

14 A. No.

15 Q. And I do see there is a Future Motion  
16 claim on here. Zinetti, Z-I-N-E-T-T-I, is the  
17 plaintiff?

18 Do you see that?

19 A. Yes.

20 Q. And Future Motion is Onewheel. Right?

21 A. Right.

22 Q. Was that a nose-down issue?

23 A. Yes.

24 Q. And nose-down meaning when you're riding  
25 the Onewheel, the front end goes down and someone

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1 catapults off?

2 A. Right.

3 Q. Do any of the depositions that you have  
4 given relate at all to any cases that would involve  
5 an allegation of lithium-ion battery failures?

6 A. No.

7 Q. And the Onewheel case, the Future Motion  
8 matter, that was a case you had with Morgan &  
9 Morgan, correct?

10 A. Yes.

11 Q. Have you had other cases with Morgan &  
12 Morgan?

13 A. Yes.

14 Q. How many other cases have you had with  
15 Morgan & Morgan?

16 A. Probably in the dozens.

17 Q. Dozens, plural?

18 A. Yes.

19 Q. Meaning 24 or more?

20 A. Yes. Likely.

21 I should clarify, that's for -- that  
22 would be for BEAR as a whole, not necessarily  
23 myself.

24 Q. Okay. Understood. I appreciate that  
25 clarification.

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1           So for BEAR as a whole, in their work  
2 with Morgan & Morgan, it's been somewhere in the  
3 neighborhood of 24-plus cases?

4       A.    Yes.

5       Q.    And then how about for you individually?

6       A.    A few. Maybe five.

7       Q.    For any of the other five or so cases  
8 that you have personally worked on with Morgan &  
9 Morgan, have any of them involved an allegation of a  
10 product failure that involved a fire?

11      A.    I don't believe so.

12      Q.    How many cases have you handled in your  
13 career that involved an allegation of a product  
14 failure that resulted in a fire?

15      A.    So I've been involved through working  
16 with the other engineers in, I would say, dozens of  
17 fire-related cases.

18      Q.    How many in which you are the named  
19 expert from BEAR on a case involving a fire claim?

20      A.    Approximately three to five.

21      Q.    And what were the products involved in  
22 those cases?

23      A.    One was a -- possibly a refrigerator and  
24 related wiring. Another was -- actually, another  
25 refrigerator. Another was batteries in a boat.



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1 Another was -- I believe it was -- it was  
2 in a dry cleaner. We actually didn't get very far  
3 in that investigation, so...

4 Q. So for the other fire claims in which you  
5 have been the identified expert, or the primary  
6 engineer from BEAR, we have two refrigerator cases,  
7 one battery -- or marine battery case, and then a  
8 case at a dry cleaner facility?

9 A. Yes. There was another one. It was an  
10 appliance -- appliance and wiring at a house.

11 Q. What type of appliance?

12 A. That wasn't -- we -- that wasn't clear.  
13 We didn't get very far in that investigation.

14 Q. Fair to state that you have never been  
15 the primary expert or an identified expert by a  
16 party that is claiming that there was a lithium-ion  
17 battery failure that caused a fire?

18 A. Correct.

19 Q. We'll mark your CV as 70.

20 (King Deposition Exhibit 70 marked.)

21 BY MR. LAFLAMME:

22 Q. There you go, Mr. King.

23 Mr. King, I've handed you what's been  
24 marked as Exhibit 70, which is a copy of the CV that  
25 was produced in this case. And it looks like you

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1 started at BEAR back in 2009, correct?

2 A. Yes.

3 Q. You have your education listed, BS from  
4 UC Berkeley. What date was that or what year?

5 A. That was 2009.

6 Q. And then you got an MS in electrical from  
7 Ohio University. What year was that?

8 A. 2020.

9 Q. And what have been your various jobs at  
10 BEAR? Understanding you're currently an engineer;  
11 what did you start out as?

12 A. Engineer.

13 Q. Okay. So you've had the same job title  
14 since you started in 2009?

15 A. Yes.

16 Q. When did you start doing expert witness  
17 work to the extent that you were the named expert by  
18 parties?

19 A. That would be maybe -- maybe around 2020.

20 Q. Okay. And prior to 2020, would you have  
21 been more in the assistive-type role?

22 A. Yes.

23 Q. When you got your electrical engineering  
24 degree from Ohio University, did you go back to --  
25 or did you go to Ohio for a couple of years in

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1 person or was that online?

2 A. Online.

3 Q. And how long did it take you to complete  
4 that degree?

5 A. I think it was two and a half years.

6 Yeah.

7 Q. Did any of it involve in-person at Ohio  
8 U?

9 A. No.

10 Q. And prior to your work at BEAR, it looks  
11 like you did some work with a company called  
12 Berkeley Engineering and Research Inc.

13 A. That is BEAR.

14 Q. Oh, I'm sorry. I read that wrong.

15 You did some work at Lawrence Berkeley  
16 National Laboratories.

17 A. Oh, yes. That was an internship that  
18 turned into a part-time job.

19 Q. And when were you at Lawrence Berkeley?

20 A. I believe 2007 and '8, approximately.

21 Q. So this would --

22 Sorry, go ahead.

23 A. Approximately.

24 Q. So this would have been -- you would have  
25 started there when you were in undergrad at

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1 UC Berkeley?

2 A. Yes.

3 Q. And then I think you -- which is probably  
4 why you couched it as an internship, correct?

5 A. Mm-hmm. (Witness nods.)

6 Q. Did --

7 A. Yes. Yes, that's how it started.

8 Q. And then it looks like it then went -- or  
9 became an assistant engineer position, correct?

10 A. Yes. Yes, it did.

11 Q. Was the assistant engineer designation,  
12 was that given to you before or after you graduated  
13 UC Berkeley?

14 A. We're still talking about at Lawrence?

15 Q. At Lawrence, correct.

16 A. I was not at Lawrence after I graduated.

17 So that -- so the internship was a three-month,  
18 approximately, two to three months for the summer.

19 And then I was hired on to stay.

20 Q. So how long in total was your position  
21 with Lawrence Berkeley?

22 A. It was about a year, year and a half.

23 Q. So towards the end of your undergrad it  
24 sounds like you got a summer internship there, and  
25 then that led to a part-time assistant engineering

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1 job during -- was it your last year of school?

2 A. Yeah.

3 Q. And then once you graduated from

4 UC Berkeley, that's when you went to work for BEAR?

5 A. Yes.

6 Q. Was that job at BEAR, was -- did you have

7 any jobs in between BEAR and the time you graduated

8 UC Berkeley?

9 A. No.

10 Q. So it sounds like, for all intents and

11 purposes, for your professional career, it has

12 always been at BEAR?

13 A. Yes.

14 Q. Have you ever -- or strike that.

15 You haven't ever worked for a company

16 that designs or manufactures lithium-ion battery

17 products, correct?

18 A. Correct.

19 Q. And you have never personally designed or

20 manufactured a lithium-ion battery product, correct?

21 A. Correct.

22 Q. And you have never been involved in the

23 design or manufacture of a lithium-ion battery pack,

24 correct?

25 A. Correct.

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1 Q. Are you a member of any professional  
2 organizations?

3 A. No.

4 Q. And I know you -- on your CV you have the  
5 PE designation. When did you get that?

6 A. I believe that was in -- I think that was  
7 in the fall of 2023.

8 Q. So approximately a year ago is when you  
9 got your PE designation?

10 A. Yeah.

11 Q. And where are you licensed as a PE?

12 A. California.

13 Q. Any other states?

14 A. No.

15 Q. And I take it you have never been on a --  
16 any of the UL technical committees?

17 A. Correct.

18 Q. You haven't been on any of the NFPA  
19 technical committees?

20 A. Correct.

21 Q. No ANSI technical committees?

22 A. Correct.

23 Q. And really, no technical committees of  
24 any standard-issuing organization, correct?

25 A. Correct.

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1 Q. In the Lawrence Berkeley National  
2 Laboratories business, I just pulled them up quickly  
3 online. It looks like their focus was on  
4 environmental issues and energy efficiency issues?

5 A. For the project I worked on, yes.

6 Q. And was the project that you worked on --  
7 it looks like it was related to energy loss in  
8 residential hot water systems?

9 A. Yes.

10 Q. So basically trying to figure out how to  
11 have the system hold or maintain hot water longer?

12 A. Yes.

13 Q. What is the rate that you charge for your  
14 work in this case?

15 A. BEAR charges, I believe it's 200 an hour  
16 for my work, and they charge 350 an hour for  
17 testimony.

18 Q. Did you say 350?

19 A. Yes.

20 Q. So 200 an hour for your forensic work,  
21 correct?

22 A. Yes.

23 Q. And then the 350 per hour for testimony,  
24 that would be, number one, what we're doing here  
25 today, right?

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1 A. Yes.

2 Q. And is it the same charge for trial  
3 testimony?

4 A. Yes.

5 Q. Do you know how much you have billed to  
6 date on this case?

7 A. I don't.

8 Q. Has BEAR generated any invoices for their  
9 work on this case?

10 A. Probably. I would assume over the course  
11 of being retained that they have.

12 Q. That wasn't in your expert file. Is that  
13 something you have access to?

14 A. I can request it.

15 Q. So for items related to your work in this  
16 case that weren't in your expert file but it sounds  
17 like you have access to would be, number one, the  
18 retainer agreement. Right?

19 MR. AYALA: I think that was in  
20 there, Eugene.

21 MR. LAFLAMME: Was it?

22 MR. AYALA: Yeah, I think so.

23 MR. LAFLAMME: Certainly possible I  
24 missed it.

25 MR. AYALA: In that first subfolder



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1 under BEAR Administrative, or -- I think  
2 that's the label.

3 MR. LAFLAMME: All right.

4 MR. AYALA: If not --

5 MR. LAFLAMME: I'll take a look on a  
6 break.

7 MR. AYALA: Sure.

8 MR. LAFLAMME: If we can go off the  
9 record quickly, Debbie.

10 (Discussion off the record.)

11 BY MR. LAFLAMME:

12 Q. So I may have gotten the retainer  
13 agreement. I'll take a look at that, and if I did,  
14 that's my fault.

15 And it sounds like there would be  
16 invoices, though, that wouldn't have been part of  
17 the expert file, correct?

18 A. Right.

19 Q. And that, you -- I assume you just have  
20 to put a request in to whomever your admin is and  
21 they can pull it and circulate it?

22 A. Yes.

23 Q. Okay. I would ask that you, after your  
24 deposition, you do that, and Rudy and I will get in  
25 contact to get that circulated.

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1 A. (Witness nods.)

2 Q. Do you know what the total amount or  
3 total hours are that you put -- have put into this  
4 case thus far?

5 A. No.

6 Q. Have you ever had a prior case involving  
7 a hoverboard in which you were the primary expert?

8 A. No.

9 Q. Have you ever had a prior case involving  
10 a hoverboard in which you were just working on it in  
11 an assistive role?

12 A. A small amount, yes. Yes.

13 Q. Okay. What do you mean by small amount?

14 A. A few hours, assisting with some testing.

15 Q. So it sounds like there was one other  
16 file that BEAR had where a hoverboard was involved  
17 in one respect or another and you assisted for a  
18 couple of hours with some testing.

19 MR. AYALA: Form.

20 BY MR. LAFLAMME:

21 Q. Is that accurate?

22 A. That's correct.

23 Q. Do you know what type of hoverboard that  
24 was?

25 A. No. No. I would be guessing.

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1 Q. Was the issue with the hoverboard for the  
2 prior case that you had a small assistive role in,  
3 did it relate to any fire issues with the  
4 hoverboard?

5 A. Yes.

6 Q. And what was your involvement in that  
7 testing?

8 A. I discussed with Rong the type of testing  
9 and data together on an exemplar.

10 Q. Okay. So it sounds like with -- is it  
11 Rong? Is that what you said?

12 A. Yes.

13 Q. With your coworker Rong, he was looking  
14 at an exemplar hoverboard?

15 A. Yeah. She had a --

16 Q. Sorry, she.

17 A. She had some exemplars to be tested, yes.

18 Q. And what was your involvement in the  
19 actual test process?

20 A. We discussed how to physically connect  
21 data acquisition to the hoverboard while it could  
22 still be ridden.

23 Q. So was your role with respect to that  
24 other case with Rong identifying a way for data  
25 extraction from the exemplar?

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1 A. Yes.

2 Q. And was that the -- was that the only  
3 role that you played with respect to that other  
4 hoverboard case with Rong?

5 A. Yes.

6 Q. And I assume you weren't named as an  
7 expert in that case, correct?

8 A. Correct.

9 Q. Do you know if any of your opinions have  
10 ever been limited or stricken in any manner by a  
11 judge?

12 A. There -- I believe so. I'm not aware of  
13 the details.

14 Q. Okay. Do you know the name of the case  
15 or cases in which that occurred?

16 A. Possibly Ibarra, I-B-A-R-R-A.

17 Q. And what happened with that case?

18 A. I don't really know the details.

19 Q. Was that Jason Ibarra versus Future  
20 Motion case?

21 A. Yes.

22 Q. Okay. And that was the -- a case out of  
23 the Southern District of Florida?

24 A. That sounds correct.

25 Q. And as far as what the decision was in

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1 that case, do you know to what extent your opinions  
2 were limited?

3 A. I don't.

4 Q. How was it that you became aware that  
5 your opinions were limited in the Ibarra case?

6 A. I had some conversation with an attorney  
7 who -- he suggested that that had occurred, but he  
8 didn't have any details for me, so...

9 Q. Have you ever reviewed the case decision  
10 related to your testimonies that were limited in  
11 that case?

12 A. No.

13 Q. And who were you working for on that  
14 case? What law firm?

15 A. I don't recall the names. I think I  
16 would remember them if you had them, but...

17 Q. There's a couple names. Abraham  
18 Karger -- or, sorry, Aaron Karger?

19 A. That sounds familiar. I think so.

20 Q. Or Jeffrey Weiskopf?

21 A. Yes.

22 Q. They both sound familiar?

23 A. Yes.

24 Q. Okay. So you are aware of that case in  
25 which your opinions were limited by the Southern

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1 District of Florida; you just don't know in what  
2 respect?

3 A. Yeah. So it's kind of hearsay to me,  
4 but...

5 Q. How about the Moore v. National Presto  
6 Industries case in the Western District of  
7 Wisconsin? Are you familiar with that case?

8 A. That sounds like a -- yes, a pressure  
9 cooker, I believe.

10 Q. And are you aware that the Court granted  
11 summary judgment in -- well, as one of the reasons  
12 citing that your opinions were not based on  
13 sufficient facts/data, and that you didn't use  
14 reliable methods?

15 MR. AYALA: Form.

16 A. I was not aware of that.

17 BY MR. LAFLAMME:

18 Q. Were you advised about the Moore v.  
19 National Presto Industries case in the Western  
20 District of Wisconsin regarding the Court's review  
21 of your opinions in that case?

22 A. No.

23 Q. And you haven't ever read that case?

24 A. No.

25 Q. How about

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1 Bettencourt v. SharkNinja Operating, are you aware  
2 of that case?

3 A. Yes.

4 Q. Are you aware that your -- three of your  
5 five opinions were excluded in that case?

6 A. That sounds familiar. I don't recall the  
7 count.

8 Q. Are you aware that in the Bettencourt  
9 case, one of the opinions that was excluded was your  
10 FMEA opinions?

11 A. Yes.

12 Q. And you have issued some FMEA-related  
13 opinions in this case as well, correct?

14 A. I believe so, yes.

15 Q. You are -- you would agree that you are  
16 not an origin and cause expert, correct?

17 A. Correct.

18 Q. And I understand you do not have your CFI  
19 or CFEI designation?

20 A. Correct.

21 Q. Do you know what those designations are?

22 A. Only that they relate to investigating  
23 cause and origin of fires.

24 Q. And you are not offering any origin  
25 opinions in this case, correct?

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1 A. No.

2 Q. And you are relying on Mr. Schulz in this  
3 case for his origin opinion as to where the fire may  
4 have started, correct?

5 A. Schulz, or any other -- any other  
6 investigators. I don't recall the different  
7 investigators and roles specifically.

8 Q. Needless to say, you do not have any  
9 opinions in this case as to the origin of the fire,  
10 correct?

11 A. Right.

12 Q. And you do not intend to testify at trial  
13 as to any issues related to the origin of the fire,  
14 true?

15 A. Correct.

16 MR. AYALA: Just object to the form  
17 of that question.

18 BY MR. LAFLAMME:

19 Q. You did not do an origin investigation,  
20 correct?

21 A. Correct.

22 Q. You were not at any of the site  
23 inspections, correct?

24 A. Correct.

25 Q. Do you know what NFPA code applies to



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1 origin investigations?

2 A. No.

3 Q. And just to clear up any objections, you  
4 are not offering an origin opinion in this case at  
5 all, correct?

6 A. Correct.

7 (King Deposition Exhibit 71 marked.)

8 BY MR. LAFLAMME:

9 Q. Sir, I'm going to show you what's been  
10 marked as Exhibit 71.

11 And could you describe what 71 is?

12 A. 71 is a document summary.

13 Q. And what does that mean? This was one of  
14 the documents within your expert files.

15 A. This is a -- I'll call it a high-level  
16 summary of what the documents contain, what  
17 information is in the documents that we were  
18 provided at the time.

19 Q. So what is the date that this summary is  
20 put together?

21 A. I don't know the date that this was  
22 started or the last time I edited this.

23 Q. Is this something that you start when you  
24 receive an assignment?

25 A. It would be when we received materials,

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1 so there's probably a date for when we received --  
2 started receiving documents.

3 Q. And does this document summary, does this  
4 cover all of the documents that you have received in  
5 this case?

6 A. This summary does not have any  
7 information on depositions.

8 Q. Okay. What depositions have you reviewed  
9 in this case?

10 A. There were -- there was a -- I believe a  
11 Walmart representative. I believe there was a  
12 Jetson representative. And I briefly reviewed the  
13 Sheaman deposition.

14 I have just received some depositions of  
15 the family, but I haven't had the -- really had a  
16 chance to review those.

17 Q. Okay. When did you obtain the Sheaman  
18 dep transcript?

19 A. I believe that was Friday.

20 Q. So after you issued your report?

21 A. Yes.

22 Q. Have you reviewed the whole Sheaman dep  
23 transcript?

24 A. I would say no.

25 Q. It was a pretty lengthy one.

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1 A. It was.

2 Q. All right. So you looked at part of it  
3 over this weekend?

4 A. Skimmed it, yeah.

5 Q. How much of it did you read?

6 A. Not much.

7 Q. And then did you say the Wadsworth family  
8 or the Wadsworth father?

9 A. Family.

10 Q. So Mr. and Mrs., and the four children?

11 A. Yes, I believe that's what's in there.

12 Q. Did you receive that on Friday as well?

13 A. Yes.

14 Q. And it sounds like you have not reviewed  
15 those dep transcripts yet?

16 A. No.

17 Q. Any other dep transcripts that you have  
18 received in this case?

19 A. No.

20 Q. Did you review the Walmart and Jetson  
21 corporate rep depositions?

22 A. Yes.

23 Q. When you do that, do you take notes on  
24 the transcript?

25 A. Yes.

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1 Q. Where are those notes located now?

2 A. Those are in the file. They should be in  
3 a similar folder as the depositions.

4 Q. Do you know what folder it would be in?  
5 I didn't see them in the file, but perhaps I missed  
6 them.

7 A. Possibly the -- there should be a  
8 materials folder with a date. And inside, I believe  
9 it was a second materials folder, there should be  
10 the depositions and the summary files for those.

11 Q. So when you take notes on the  
12 depositions, is there a similar type summary  
13 document created? Or what is your process for that?

14 A. Yeah, for the deposition, I create a  
15 separate summary file.

16 Q. Do you actually make markings on the  
17 deposition itself or are those just put into a Word  
18 document for your notes?

19 A. Just a Word document.

20 Q. And have you started a deposition summary  
21 file for Sheaman's deposition?

22 A. Not yet.

23 Q. So for any deposition transcript summary  
24 file, I mean your notes, it would just be the  
25 Walmart or Jetson corporate rep?

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1 A. Yes.

2 Q. So looking at Exhibit 71, the first  
3 document references the complaint. You see that,  
4 correct?

5 A. Yes.

6 Q. And then there's four bullet points, so  
7 to speak, below that. Are those just your summary  
8 of some of the significant facts that are included  
9 in the complaint?

10 A. Yes.

11 Q. And then the next category is highlighted  
12 Sweetwater County Sheriff's report, correct?

13 A. Yes.

14 Q. And one of the, then, six bullet points  
15 that you have below that is: Hoverboard constantly  
16 in use and plugged in several times per day. Outlet  
17 where hoverboard charged at location found during  
18 investigation.

19 Do you see that?

20 A. Yes. The hoverboard was not charged --  
21 or was not plugged in at the time of the fire,  
22 correct?

23 MR. AYALA: Form.

24 A. I'm not aware specifically.

25 \* \* \*

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1 BY MR. LAFLAMME:

2 Q. Okay. You do not know if the hoverboard  
3 was plugged in or not at the time of the fire?

4 A. I don't know. No, I don't know for sure  
5 either way.

6 Q. Did you review the CT scans in this case?

7 A. Yes.

8 Q. And you are aware that on the CT scans,  
9 you can zoom in to the three-pin plug, the  
10 receptacle that the charger would plug into on the  
11 hoverboard, correct?

12 A. Yes.

13 Q. There's no evidence or physical  
14 indication that the hoverboard was plugged in based  
15 on what you see on the CT scans for that three-pin  
16 receptacle, correct?

17 MR. AYALA: Form.

18 A. I wouldn't expect there to be either way.  
19 I mean, we received the evidence with no -- with  
20 nothing plugged in, so nothing would be there on the  
21 CT.

22 BY MR. LAFLAMME:

23 Q. You agree that when the hoverboard was  
24 found on-site, it was not plugged in, correct?

25 MR. AYALA: Form.

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1 A. I guess I would need to review photos of  
2 what people took to check that.

3 BY MR. LAFLAMME:

4 Q. You have not been made aware of any  
5 charger that was located in the vicinity of the  
6 hoverboard, correct?

7 A. Correct. I haven't seen one.

8 Q. And you haven't seen any remnants of a  
9 charger located in the area of the hoverboard,  
10 correct?

11 A. Correct.

12 Q. And you're not aware of any evidence,  
13 testimony or other physical evidence that says that  
14 the hoverboard was plugged in at the time of the  
15 fire, correct?

16 A. No, I think I would want to review the  
17 photos for that specific detail.

18 Q. Okay. But as you sit here today, you  
19 cannot point to any testimony, photographs, or other  
20 physical evidence that suggests that the hoverboard  
21 was plugged in at the time of the fire, correct?

22 MR. AYALA: Form.

23 A. Yeah, as I sit here.

24 BY MR. LAFLAMME:

25 Q. Okay. And you understand that you are

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1 being presented for your discovery deposition today  
2 to find out all of the information and opinions that  
3 you have based on your investigation in this case,  
4 correct?

5 A. Yes.

6 Q. And based on the totality of your  
7 investigation, you are not aware of any testimony,  
8 photographs, or other physical evidence that  
9 suggests that the hoverboard was plugged in at the  
10 time of the fire, correct?

11 A. Not at this time.

12 Q. Going back to Exhibit 71, the third line  
13 item is a -- or third category is Public  
14 Investigative Report, and then it references  
15 Sweetwater County Sheriff's Report.

16 Is that basically just a repeat of the  
17 category above?

18 A. Yes.

19 Q. All right. And then the next category is  
20 Evidence, and one of them is Info From Cristal  
21 VanDongen? I'm not sure if I'm saying that  
22 correctly, but it's V-A-N, capital D-O-N-G-R-E-N  
23 [sic].

24 Do you see that?

25 A. Yes.



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1 Q. Did you speak -- have you spoken with  
2 Cristal in this case?

3 A. No.

4 Q. In your report you reference that  
5 Cristal was not able to rule out a fire originating  
6 outside of the house, correct?

7 A. Yes.

8 Q. How did you get that information?

9 A. I believe that is in whatever this note  
10 or document contains.

11 Q. So at some point or in one form or  
12 another, through your investigation, you learned  
13 that Cristal VanDongen was retained as an origin and  
14 cause expert by Farmers, who was the property  
15 insurer, correct?

16 A. I wasn't aware of her retained role.

17 Q. You're aware that she's an origin and  
18 cause expert, correct?

19 A. I was not. I had very little information  
20 on her.

21 Q. You were at least told that Cristal, in  
22 whatever extent she investigated the fire, could not  
23 rule out a fire originating outside the house,  
24 correct?

25 A. Yes.

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1 Q. And it sounds like you never spoke with  
2 Cristal to determine why that was, correct?

3 A. Correct.

4 Q. Have you spoken with any of the  
5 individuals that have investigated this fire --  
6 that's a poor question. Let me take a step back.

7 Have you spoken with an individual named  
8 John Palmer?

9 A. No.

10 Q. Do you know who John Palmer is?

11 A. No. The name sounds familiar.

12 Q. Are you familiar -- does the name sound  
13 familiar from -- he's an electrical engineer with  
14 Palmer Engineering and Forensics in Salt Lake City.

15 Does that ring a bell?

16 A. No.

17 Q. But regardless, you've never spoken to  
18 John Palmer in this case, correct?

19 A. Correct.

20 Q. Scott Cramer, with EDT, another  
21 electrical battery investigator; have you ever  
22 spoken with him?

23 A. No.

24 Q. Are you familiar with what Scott Cramer,  
25 C-R-A-M-E-R, what his role has been in the

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1 investigation in this case?

2 A. No.

3 Q. You are not aware that at one point he  
4 was retained by the Wadsworth family to help with  
5 the investigation?

6 A. No.

7 Q. How about a Daren Slee, S-L-E-E, with  
8 ESI, another electrical battery expert; are you  
9 familiar with him?

10 A. No.

11 Q. Did you ever -- you never spoke with  
12 Mr. Slee, I presume, correct?

13 A. Correct.

14 Q. And you never spoke with Mr. Cramer,  
15 correct?

16 A. Correct.

17 Q. And when I say spoke with, I'm -- I  
18 should be a little more broad. You've never  
19 communicated with Mr. Cramer on this case, correct?

20 A. Correct.

21 Q. And you've never communicated with  
22 Mr. Slee on this case, correct?

23 A. Correct.

24 Q. And are you aware that Mr. Slee was  
25 another electrical battery expert that was

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1 previously retained by the Wadsworth family?

2 A. I was not.

3 Q. And you have never communicated with  
4 Mr. Palmer, another electrical expert?

5 A. Correct.

6 Q. How about a Smokey Dyer, D-Y-E-R? Is  
7 that name familiar to you?

8 A. No.

9 Q. And I assume you have never communicated  
10 with Smokey Dyer on this case?

11 A. Correct.

12 Q. And you are not aware that Mr. Dyer is an  
13 origin and cause expert that was previously retained  
14 by the Wadsworths?

15 A. I was not aware.

16 Q. Are you aware of any other experts that  
17 assisted in the investigation into the cause of this  
18 fire on behalf of the Wadsworth family other than  
19 you and Mr. Schulz?

20 A. No.

21 Q. So you have not been told about the other  
22 consultants that have been retained on behalf of the  
23 Wadsworths at some point in time during this  
24 investigation?

25 A. Correct.

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1 Q. Is the first time you're learning that  
2 today?

3 A. Yes.

4 Q. Have you ever spoken with Mr. Schulz in  
5 this case?

6 A. No.

7 Q. It's S-C-H-U-L-Z.

8 Have you worked with Mr. Schulz  
9 previously?

10 A. No.

11 Q. Have you ever spoken with any of the  
12 local investigators that were involved in the origin  
13 and cause investigation?

14 A. No.

15 Q. Meaning Detective Sheaman?

16 A. No.

17 Q. Never communicated with Detective  
18 Sheaman?

19 A. No.

20 Q. Have you ever communicated with a Fire  
21 Chief Robinson?

22 A. No.

23 Q. How about a Fire Chief Erdmann?

24 A. No.

25 Q. So it sounds like with respect to your

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1 investigation in this case, you have not spoken with  
2 any of the other individuals that have been involved  
3 in this investigation in one form or another?

4 A. Correct.

5 Q. And you haven't communicated with any of  
6 them either?

7 A. Correct.

8 Q. Going back to Exhibit 71 under the  
9 Evidence category, then there's the Nuttall Evidence  
10 Log 1 and 2.

11 Do you see that?

12 A. Yes.

13 Q. And then on -- this may just be a typo,  
14 but under Evidence Log 1, there's then a 1 in  
15 parentheses. Does that mean anything?

16 A. No. That's -- I don't -- I don't know of  
17 any meaning to that.

18 Q. I mean, there's not a sub 1 or sub 2 of  
19 that evidence log that you are aware of?

20 A. Not that I'm aware.

21 Q. The Nuttall Evidence Log No. 1, that is  
22 the -- listed as the fire-damaged hoverboard,  
23 correct?

24 A. Yes.

25 Q. And that is -- is that the only physical

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1 evidence that you have looked at from the fire scene  
2 in this case?

3 A. Yes.

4 MR. AYALA: I'm going to object to  
5 the form of that question.

6 BY MR. LAFLAMME:

7 Q. Have you looked at any other physical  
8 evidence in this case besides the fire-damaged  
9 hoverboard that was removed from the Wadsworth  
10 residence?

11 A. Not in person.

12 Q. And then, the Nuttall Evidence Log No. 2,  
13 that includes a number of other items of evidence,  
14 and that is not evidence that you have physically  
15 looked at in person, correct?

16 A. Correct.

17 Q. Going down to the next category in  
18 Exhibit 71, Inspections. And then there's the  
19 Public Investigative Report. Is that, again, just  
20 the sheriff's report?

21 A. Yes.

22 Q. And then the other item is just a -- an  
23 initial notice letter from Cozen, who represented  
24 Farmers at the time, about the first site  
25 inspection. Correct?

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1 A. Yes.

2 Q. And then going down to Photos and Videos,  
3 and it's listed Cause and Origin Investigation Pics.

4 Do you see that?

5 A. Yes.

6 Q. Whose cause and origin investigation pics  
7 are in your file?

8 A. I would need to review the file to see.

9 Q. Do you know if you have cause and origin  
10 investigation pics from more than one individual?

11 A. I believe so, yes.

12 Q. When you say Cause and Origin  
13 Investigation Pics, are those photographs -- they  
14 all appear to be from the site, correct?

15 A. Yes.

16 Q. You do not have any photographs from the  
17 lab inspection that was conducted in Salt Lake at  
18 Palmer's lab, correct?

19 A. Correct.

20 Q. Going to pages 2 and 3 of Exhibit 71,  
21 there's some photographs here, correct?

22 A. Yes.

23 Q. And one is -- there's at least a  
24 reference to Daren Snee scene photos.

25 Do you see that?



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1 A. Yes.

2 Q. Are those -- so do you believe you have  
3 Daren Slee's scene photos?

4 A. Yes, that's how it was represented to me.

5 Q. Did you get those directly from Mr. Slee  
6 or were those routed to you through counsel?

7 A. Through counsel.

8 Q. And what is the -- what was the purpose  
9 that you pulled out these four photos?

10 A. Just to have a visual reference of the  
11 evidence as it was on-site.

12 Q. Is there any specific reason that you  
13 chose these four?

14 A. Different -- just different perspectives.

15 So the first one is -- looks like it's as  
16 found. The second one is as it's been extracted  
17 from the house. The third one looks like just  
18 another perspective of the same. The fourth one  
19 is -- just shows that someone collected the  
20 separated cells.

21 Q. So the two separated cells in the fourth  
22 photograph, is it your understanding that those were  
23 the two cells that were not embedded in the  
24 hoverboard remains?

25 A. Yes.

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1 Q. You have not reviewed any of the body  
2 camera footage from this case, have you?

3 A. I have not.

4 Q. Did you even know there was body camera  
5 footage from immediate -- immediately after the  
6 accident?

7 MR. AYALA: Form.

8 A. I don't know. I didn't recall, unless it  
9 was -- maybe it was mentioned in the sheriff report,  
10 but...

11 BY MR. LAFLAMME:

12 Q. Regardless, you haven't reviewed any of  
13 the body camera footage from the responding police  
14 officers that responded the morning of the fire,  
15 correct?

16 A. Correct.

17 Q. And you're not aware of any statements  
18 that would have been made on that body camera  
19 footage by any of the Wadsworth children, correct?

20 A. Correct.

21 Q. And you're not aware of any of the  
22 statements that would have been made on that body  
23 camera footage from Mr. Ryan Pasborg, correct?

24 A. Correct.

25 Q. Do you know who Ryan Pasborg is?

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1 A. I think he was the first one on scene, if  
2 I remember correctly.

3 Q. He was the good samaritan that assisted  
4 in getting the Wadsworth family out of the house.

5 You're not aware of any statements he  
6 would have said on that body camera footage about  
7 where he first saw fire, correct?

8 A. Correct.

9 Q. Do you know what UL codes are applicable  
10 to the design and manufacture of this hoverboard?

11 A. I believe there's the UL -- I want to say  
12 2722, if I remember the number correctly.

13 Q. You were close. It's UL 2272.

14 A. 2272. Okay.

15 Q. Any other UL codes that you are aware of  
16 that would apply to the design or manufacture of  
17 this hoverboard?

18 A. I know there's another one that deals  
19 with lithium-ion batteries. I don't recall the  
20 number offhand.

21 Q. Okay.

22 A. Yeah.

23 Q. Do you know what the -- so you don't know  
24 what the UL code is that applies to the specific  
25 lithium-ion battery cells, correct?

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1 A. Correct. Not offhand.

2 Q. And in this case, it's your opinion that  
3 two of the -- two of the ten battery cells that were  
4 in this battery pack experienced an internal short  
5 circuit with thermal runaway. Correct?

6 A. Yes.

7 Q. And you've identified those in your  
8 report as cells 4 and 10?

9 A. Yes.

10 Q. So you believe that it is a -- an issue  
11 with the lithium-ion battery cells, for cell 4 and  
12 10, that caused this fire? At least that's your  
13 opinion in this case, correct?

14 A. Yes.

15 Q. But you don't know what UL code applies  
16 to these specific lithium-ion battery cells?

17 A. I don't recall the number.

18 Q. Do you know if the lithium-ion battery  
19 cells in this hoverboard were UL listed?

20 A. I did not check that, so I don't know.

21 (King Deposition Exhibit 72 marked.)

22 BY MR. LAFLAMME:

23 Q. We'll mark as Exhibit 72, this is a copy  
24 of a PowerPoint presentation that you went  
25 through -- or at least put together, correct?

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1 A. Yes.

2 Q. What is the purpose of the PowerPoint  
3 presentation?

4 A. These were some notes for myself.

5 Q. And is this a typical process that you do  
6 during your investigations?

7 A. Sometimes, yeah.

8 Q. Have you done PowerPoint presentations in  
9 other cases that you've worked on?

10 A. Yes.

11 Q. Is the PowerPoint presentation put  
12 together before your report is put together?

13 A. Yes.

14 Q. So going to the second page of  
15 Exhibit 72, this shows a photograph of the outside  
16 part of the Wadsworth residence, correct?

17 A. Yes.

18 Q. And is it your understanding that the  
19 window that is more or less in the middle of that  
20 photograph, that is the boys' bedroom window?

21 A. That is my understanding.

22 Q. Meaning Gunner and Layne's bedroom  
23 window?

24 A. Yes.

25 Q. And here you indicate the father had a

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1 plastic HAZMAT-type structure outside for smoking,  
2 correct?

3 A. Yes.

4 Q. And you understand that that smoking shed  
5 was just below the boys' window, correct?

6 MR. AYALA: Form.

7 A. That's -- yes, that's my understanding.

8 BY MR. LAFLAMME:

9 Q. And that's your understanding based on  
10 your review and invest -- review of photographs and  
11 investigation in this case?

12 A. Yes, right.

13 Q. Do you know how big that smoking shed  
14 was?

15 A. No, not specifically.

16 Q. Do you know what the smoking shed was  
17 made out of?

18 A. No, not -- not specifically as I sit  
19 here.

20 Q. You then go on to state that the interior  
21 origin is more likely, and then you list three  
22 bullet points. Do you see that?

23 A. Yes.

24 Q. You agree you're not making any origin  
25 determinations in this case, correct?

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1 A. Correct.

2 Q. One of the items that you list is: Fire  
3 damage to exterior wall studs is significantly less.

4 Do you see that?

5 A. Yes.

6 Q. Do you know if there was any difference  
7 in the exterior wall stud construction compared to  
8 the interior wall stud construction?

9 A. Not generally.

10 Q. You are aware that the exterior wall  
11 construction had insulation in between the studs?

12 A. Yes.

13 Q. Insulation can act -- can protect those  
14 studs during a fire?

15 MR. AYALA: Form.

16 A. It can.

17 MR. LAFLAMME: I'm going to mark --  
18 what are we up to, 73?

19 (King Deposition Exhibit 73 marked.)

20 BY MR. LAFLAMME:

21 Q. Show you what's been marked as  
22 Exhibit 73.

23 And just so I make sure I understand what  
24 you are saying here with this statement, you are  
25 stating that, on Exhibit 73, the studs on the

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1 right-hand side of the photograph are not burned

2 completely through, correct?

3 A. Right. Compared to the interior --

4 further interior.

5 Q. And you can see that there was bat

6 insulation between those studs, correct?

7 MR. AYALA: Form.

8 A. Yes, I can see that.

9 BY MR. LAFLAMME:

10 Q. You agree that this photograph shows bat

11 insulation in between these studs?

12 A. Yes, it does.

13 MR. AYALA: Form.

14 BY MR. LAFLAMME:

15 Q. And you agree that bat insulation can

16 protect areas of studs where it is installed, in a

17 fire, correct?

18 MR. AYALA: Form.

19 A. It could protect -- yes, it could protect

20 whatever it's covering.

21 BY MR. LAFLAMME:

22 Q. So one reason in which we could see less

23 damage at the exterior wall studs compared to the

24 interior wall studs is because there is bat

25 insulation on the exterior walls that are not



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1 present on the interior walls. Correct?

2 MR. AYALA: Let me object to the  
3 form. And are you opening the door to him  
4 offering opinions as to origin and cause?

5 MR. LAFLAMME: He's already said he's  
6 not, but he has this in his PowerPoint.

7 MR. AYALA: Okay. But you're getting  
8 a little bit beyond the PowerPoint, so if you  
9 wanted to --

10 Object to the form.

11 BY MR. LAFLAMME:

12 Q. Go ahead.

13 A. Can you repeat or can we have the  
14 question repeated?

15 Q. Sure.

16 So one of the reasons in which we could  
17 see less damage at the exterior wall studs compared  
18 to the interior wall studs is because there is bat  
19 insulation in between the exterior wall studs,  
20 correct?

21 MR. AYALA: Form.

22 A. Yeah, I think that's a possibility.

23 BY MR. LAFLAMME:

24 Q. One of the other bullet points that you  
25 have listed in your PowerPoint is the outside

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1 temperatures were around 10 degrees Fahrenheit at  
2 4:00 a.m. and the window was likely closed.

3 Do you see that?

4 A. Yes.

5 Q. You are aware that the window broke, the  
6 boys' bedroom window broke in this fire, correct?

7 A. Yes.

8 Q. And you are aware that the boys woke up  
9 when that window broke, correct?

10 MR. AYALA: Form, and  
11 mischaracterizes testimony.

12 A. I don't know -- I guess I don't know  
13 specifically when the boys woke up in the course of  
14 this event.

15 BY MR. LAFLAMME:

16 Q. Okay.

17 A. But...

18 Q. If a fire had started outside by this  
19 window, it could affect the window to the extent  
20 that it could break it, correct?

21 MR. AYALA: Object to the form.

22 A. Yes.

23 BY MR. LAFLAMME:

24 Q. And if that window is broken, then an  
25 outside fire would have a path into the boys'

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1 bedroom, correct?

2 MR. AYALA: Form.

3 A. It would, yes.

4 BY MR. LAFLAMME:

5 Q. And you understand that the boys' bed was  
6 just on the other side of this bedroom window?

7 A. Yes, I believe so.

8 Q. And you'd agree that a bed is a pretty  
9 significant fuel load for a fire?

10 A. Yes, it could be.

11 Q. So if a fire had started outside of this  
12 bedroom window and broken that window, it would then  
13 have a significant fuel load in the form of the bed  
14 on the other side of that window, correct?

15 MR. AYALA: Form.

16 A. Yes. Hypothetically, yes.

17 BY MR. LAFLAMME:

18 Q. The third bullet point that you have is  
19 that the fire would have to rise along the outside  
20 wall, enter the eaves and burn down with  
21 preferential damage to the interior.

22 Do you see that?

23 A. Yes.

24 Q. Are you getting these statements from any  
25 of the origin and cause investigators or are these

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1 three bullet points your own language?

2 A. These are my own.

3 Q. You did not do any fire spread analysis

4 in this case, correct?

5 A. Correct.

6 Q. And you are not an expert on fire spread,

7 true?

8 A. That's true.

9 Q. You're not an expert on fire modeling,

10 correct?

11 A. Correct.

12 Q. And you did not do any fire modeling in

13 this case, correct?

14 A. Correct.

15 Q. And you'd agree that another potential

16 path for this fire to spread to the interior of the

17 house would be through that bedroom window if that

18 window was broken?

19 MR. AYALA: Object to the form.

20 A. If it was open and there was a fire

21 outside, it could spread in through an open window.

22 BY MR. LAFLAMME:

23 Q. And another way to open a window is

24 through breaking the window, correct?

25 A. Yes.

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1 MR. AYALA: Form.

2 BY MR. LAFLAMME:

3 Q. If you could go to page 3 of this  
4 PowerPoint.

5 And this shows an individual holding a --  
6 it looks like a tape measure, on the left-hand side  
7 across the studs between the boys' bedroom window  
8 and the hallway, correct?

9 A. Yes.

10 Q. And in the right-side photograph, there's  
11 a red circle added. Was that added by you?

12 A. Yes.

13 Q. And I believe what you are trying to  
14 state is that -- or show with the red circle is that  
15 that was the remnants of the hoverboard?

16 A. Yes.

17 Q. So looking at the left-side picture, do  
18 you believe -- is it your position that that shows  
19 the V pattern?

20 MR. AYALA: Form.

21 BY MR. LAFLAMME:

22 Q. Or do you not have an opinion as to  
23 whether that's a V pattern or not?

24 A. In the context of the cause and origin  
25 investigation, I don't have an opinion if that is a

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1 V pattern.

2 Q. So as far as looking at the left picture  
3 on page 3, you do not have an opinion one way or the  
4 other whether that fire pattern would qualify as a V  
5 pattern, correct?

6 A. Not specifically.

7 Q. Well, specifically or not, you don't have  
8 an opinion as to whether that fire pattern on the  
9 wall studs between the hallway and the bedroom on  
10 the left side photo is a V pattern, true?

11 A. True.

12 MR. AYALA: Form.

13 A. It looks like a V, but if -- whether or  
14 not that qualifies as a V pattern per the  
15 investigative standards...

16 BY MR. LAFLAMME:

17 Q. What is the investigative standard that  
18 defines what a V pattern is?

19 A. I don't know specifically. I assume  
20 there's an NFPA standard to address that.

21 Q. Okay. But you don't know what that NFPA  
22 standard is, correct?

23 A. Correct.

24 Q. But looking at the photograph on the  
25 right-hand side, you have the red circle where the

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1 hoverboard is.

2 Do you see that?

3 A. Yes.

4 Q. And you can see that the studs to the  
5 left and right of that hoverboard are not fully  
6 consumed.

7 A. Yes.

8 Q. That's correct, right?

9 A. Correct.

10 Q. Meaning you can see the studs on both  
11 sides of this hoverboard on the right side and the  
12 left side, correct?

13 A. Correct. And it looks like one is  
14 missing where the hoverboard is.

15 Q. Okay. Are you aware of what an inverted  
16 cone pattern is?

17 A. No.

18 Q. You don't know what an inverted cone  
19 pattern is with respect to fire pattern analysis,  
20 correct?

21 A. Correct.

22 Q. You do not see a V pattern coming off the  
23 hoverboard on the right photo, correct?

24 MR. AYALA: Form.

25 A. Correct.

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1 BY MR. LAFLAMME:

2 Q. If you could go to page 4. And is this  
3 just a summary of what was from the sheriff's  
4 report?

5 A. Yes.

6 Q. As to whether the statements in the  
7 sheriff's report are accurate or not, are you taking  
8 a position one way or the other in that regard?

9 A. I am assuming that they were accurate.

10 Q. You weren't involved in the site  
11 inspection at all, correct?

12 A. Correct.

13 Q. So any analysis of the site itself, you  
14 are not able to state whether the sheriff's  
15 department report is accurate or not, correct?

16 A. Not personally, no. Correct.

17 Q. If you could go to page 5. This lists  
18 Fire Investigation Insurance Notes.

19 What does insurance notes mean?

20 A. I think that refers to my impression of  
21 roughly where these notes came from was from an  
22 insurance company or someone acting on behalf of an  
23 insurance company.

24 Q. Okay. Did you have notes in your file  
25 from Farmers?



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1 A. Not -- I mean, I think Cristal is  
2 associated with Farmers, and I have a note relating  
3 to her.

4 Q. Is that a note that Cristal wrote?

5 A. I don't know who authored anything from  
6 Farmers.

7 Q. How was it that you received the note  
8 about Cristal not being able to rule out the -- a  
9 fire from outside the bedroom window?

10 A. That was part of the documentation  
11 provided by counsel.

12 Q. If you could go to page 6.

13 And is this taken at your lab?

14 A. Yes.

15 Q. So here we have, on the left-hand side,  
16 the two loose cells, and then on the right-hand side  
17 is the remnants of the hoverboard and the remainder  
18 of the lithium-ion battery cells, correct?

19 A. Yes.

20 Q. Purpose of putting these photographs in  
21 just for general overview?

22 A. Yes.

23 Q. Okay. Any other purpose?

24 A. No.

25 Q. Then going to page 7 of your PowerPoint,

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1 here it shows the battery cell from an exemplar

2 Plasma unit, correct?

3 A. Yes.

4 Q. And how is it that you obtained the

5 exemplar Plasma unit?

6 A. I purchased.

7 Q. From where?

8 A. eBay.

9 Q. When did you purchase the exemplar  
10 Plasma?

11 A. Should be a few months ago. I don't  
12 remember exactly.

13 Q. Had you purchased the exemplar Plasma  
14 before the lab inspection that we were at at your  
15 place in February?

16 A. No.

17 Q. Did you do anything to determine who the  
18 manufacturer was of the battery cell for the Plasma  
19 unit?

20 A. No. My understanding is JDDL is the name  
21 of a manufacturer, but beyond that...

22 Q. Do you know which manufacturer name that  
23 is?

24 A. No.

25 Q. Have you seen any of the document

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1 productions that Jetson has made in this case?

2 A. I don't believe so.

3 Q. You haven't seen any of the UL test

4 reports or certification records in this case?

5 A. I have not.

6 Q. We'll mark this as 74.

7 (King Deposition Exhibit 74 marked.)

8 BY MR. LAFLAMME:

9 Q. Handing you what's been marked as

10 Exhibit 74, which is a Bates document that starts

11 with JETSON 311.

12 Do you see that in the lower right-hand

13 corner?

14 A. Yes.

15 Q. And you have not seen this before,

16 correct?

17 A. Correct.

18 Q. If you go to the second page of this

19 document, there's a description of this battery.

20 And you can see the model number is INR, all

21 capitalized, 18650P.

22 Do you see that?

23 A. Yes.

24 Q. And that's the same model number on this

25 battery cell, correct?

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1 A. Yes.

2 Q. And then you can also see that it's

3 9.0 -- I assume that's watt-hours? Is that --

4 A. Correct.

5 Q. Capital W, lowercase h.

6 And that's also what is marked on this

7 battery cell, correct?

8 A. Yes.

9 Q. So with respect to this battery cell, you

10 agree with me that the battery cell is the cell that

11 is covered in this UL report?

12 MR. AYALA: Form.

13 A. Yes, it looks like the exemplar matches

14 the UL report.

15 BY MR. LAFLAMME:

16 Q. And on the first page of Exhibit 74, it

17 lists the manufacturer.

18 And I'm not going to try to say it,

19 but...

20 A. I see it.

21 Q. Okay. Did you do -- you haven't done

22 anything to verify whether this battery cell that

23 was used in the Plasma was UL certified, correct?

24 A. Correct.

25 Q. In looking at the document before you,

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1 Exhibit 74, you agree with me that this is a UL  
2 certification report for this model battery cell?

3 A. Yes.

4 Q. So with respect to the battery cell that  
5 was utilized in the Plasma model hoverboards, you  
6 agree that they were UL-certified battery cells,  
7 correct?

8 MR. AYALA: Form.

9 A. It certainly appears they were, based on  
10 this report.

11 BY MR. LAFLAMME:

12 Q. Did you ever ask to see Jetson's document  
13 production in this case?

14 A. I don't recall if I did or didn't.  
15 Normally I would, yeah.

16 Q. The UL test records and certifications is  
17 something that would directly relate to your  
18 analysis in this case, correct?

19 A. Somewhat. They could help if we wanted  
20 to dig into why these specific cells might have an  
21 internal short.

22 Q. Do you have an understanding as to what  
23 testing was required of these cells in order to  
24 obtain the UL certification?

25 A. Not in -- not really, as I sit here.

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1 Q. Do you know if a short-circuit test was  
2 done as part of the UL certification and test  
3 process?

4 A. I believe so, yes.

5 Q. And now in looking at this document, you  
6 are aware that UL 2580 is the standard that applies  
7 to battery cells, lithium-ion battery cells,  
8 correct?

9 A. Yes.

10 Q. You did not know that prior to looking at  
11 this document, correct?

12 A. I did not recall the document number, the  
13 UL number.

14 Q. Did you consult with UL 2580 at all in  
15 your analysis in this case?

16 A. No.

17 Q. And you don't reference UL 2580 at all in  
18 your report, correct?

19 A. Correct.

20 Q. Are you aware of a recall that Jetson had  
21 on a different hoverboard model?

22 A. Yes.

23 Q. What is your awareness of that?

24 A. I believe it was the Rogue model, model  
25 name. I -- if I recall correctly, it was related to

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1 possible -- a possible fire hazard.

2 Q. Okay.

3 A. But that's the extent of my recollection.

4 Q. So it sounds like your knowledge of the  
5 recall on the Rogue model is more general as opposed  
6 to any in-depth analysis that you've done on that  
7 issue.

8 A. Correct.

9 Q. Do you even know what type of battery  
10 cells the Rogue model had compared to the Plasma?

11 A. No.

12 Q. You are aware from reviewing Mr. Husain's  
13 deposition testimony from Jetson that the battery  
14 cells were from a different manufacturer?

15 A. That sounds familiar, him saying so.

16 Q. So the battery manufacturer that we have  
17 for the Plasma model is --

18 MR. LAFLAMME: I'm just going to let  
19 you type that.

20 BY MR. LAFLAMME:

21 Q. -- Jiangxi Jiuding Power.

22 MR. LAFLAMME: And that's probably  
23 good enough.

24 BY MR. LAFLAMME:

25 Q. I'm going to try to say this

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1 phonetically. Is -- actually, I'm not even going to  
2 try to say it.

3 The battery manufacturer is listed on the  
4 first page of Exhibit 74, correct?

5 A. Yes.

6 Q. And you don't know whether that's the  
7 same battery manufacturer for the lithium-ion  
8 battery cell that was involved in the Rogue model,  
9 correct?

10 A. Correct.

11 Q. And you did not do anything to assess  
12 that issue?

13 A. Correct.

14 Q. All right. Going to page 8.

15 A. Of which?

16 Q. Oh, I'm sorry. Of your PowerPoint, which  
17 is Exhibit 72. All right.

18 Looking at page 8 of Exhibit 72, this is  
19 what appears to be just a comparison from the  
20 exemplar compared to the subject unit, correct?

21 A. Yes.

22 Q. And then if we go to page 9 of your  
23 PowerPoint, this is when you remove the exemplar  
24 battery pack, correct?

25 A. Yes.



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1 Q. And when all the cells are put together,  
2 that's generally referred to as a battery pack,  
3 correct?

4 A. Yes.

5 Q. And this battery pack has ten cells?

6 A. Yes.

7 Q. On the bottom-left photographs on page 9,  
8 it looks like there's little Post-Its there. Is  
9 that just marking the positive and negative sides of  
10 the battery?

11 A. Yes.

12 Q. So I was able to make out that the orange  
13 ones are P, for positive, correct?

14 A. Yes.

15 Q. Are the yellow ones, is that an N?

16 A. Yes.

17 Q. Okay. I wasn't able to tell what that  
18 letter was.

19 And if we look at page 10 of the  
20 PowerPoint, this is a CT scan of the battery pack  
21 side of the hoverboard, and you can see that there  
22 is eight of the ten cells that are shown in there,  
23 correct?

24 A. Yes.

25 Q. You call it a vertical connection between

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1 3 and 8 -- or cells number 3 and 8.

2 A. Yes.

3 Q. What's the purpose of calling out the  
4 vertical connection?

5 A. It's one of the similar features that can  
6 be seen in the exemplar battery pack.

7 So if you look in the bottom left, there  
8 are what I call vertical connections, and there's  
9 diagonal connections, and a horizontal connection on  
10 the other side. So it's just a feature.

11 Q. And these connections are what put these  
12 batteries into parallel and series, correct?

13 A. I believe it's all series, but yes.

14 Q. So for the Plasma battery pack, you  
15 believe that battery pack is put together all in  
16 series?

17 A. Yes.

18 Q. And nothing in parallel?

19 A. That's my recollection, yes.

20 Q. And back to page 10 of the PowerPoint.

21 You have an arrow, kind of by the right side of cell  
22 number 10 that says PCB underside?

23 A. Yes.

24 Q. So that's the primary circuit board?

25 A. Yes. Yeah, printed circuit board.

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1 Q. Oh, sorry, printed circuit board.

2 A. Yeah.

3 Q. So the printed circuit board for the  
4 hoverboard, if we're looking at the hoverboard's  
5 construction, would have been just beneath the  
6 battery pack?

7 A. Yes.

8 Q. And if we go to page 11 of your  
9 PowerPoint, and here you have just a top-down  
10 photograph, but you do mark some of the batteries  
11 that are visible at that location and compared to  
12 how you numbered them.

13 A. Yes.

14 Q. And on page 12, which is the last page of  
15 your PowerPoint, Exhibit 72, this is somewhat of a  
16 recap of what your expert report says, correct?

17 A. Yes.

18 Q. So here, 10 cells total, all cells  
19 accounted for, and then you, at the third primary  
20 bullet point, you reference the most extensive  
21 damage is to cells 4 and 10, which have blown out.

22 Do you see that?

23 A. Yes.

24 Q. And cells 4 and 10 would have blown out,  
25 to use your term, on the positive cap side?

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1 A. Yes.

2 Q. The negative side does not have a cap,  
3 correct?

4 A. Correct.

5 Q. And then you have: Internal materials  
6 are mostly ejected, meaning they would have left the  
7 cell itself, correct?

8 A. Yes.

9 Q. And they would have left the cell through  
10 the end cap?

11 A. Yes. Or along with the end cap.

12 Q. And then you have that that is consistent  
13 with an internal short, correct?

14 A. Yes.

15 Q. And when you say internal short, you mean  
16 a short circuit?

17 A. Yes.

18 Q. And in order to get a short circuit, you  
19 have to have -- does that require communication with  
20 the positive and negative side, meaning the anode  
21 and cathode?

22 A. Yes. Yep.

23 Q. And then, so it's your opinion that  
24 cells 4 and 10, they both had an internal short  
25 circuit, correct?

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1 A. Yes.

2 Q. And so ultimately, you attribute the  
3 cause of this fire to the internal short circuit  
4 with both cells 4 and 10?

5 A. I think that it's more likely.

6 Q. So you think it's more likely than not  
7 that the internal short circuit that you have  
8 identified in cells 4 and 10, that both of those  
9 cells were the cause of the fire?

10 A. Yes.

11 Q. What temperature does a lithium-ion  
12 battery cell in 18650 reach when it fails through  
13 its end cap?

14 A. It can reach hundreds of degrees  
15 centigrade, or Celsius.

16 Q. What is that in Fahrenheit?

17 A. More hundreds.

18 Q. All right. Now I'm going to have to get  
19 a calculator because I speak in Fahrenheit language.

20 When you say hundreds of degrees of  
21 Celsius, what are you talking about?

22 A. Well, when the cell is experiencing a  
23 thermal runaway, and it's to the degree that it's  
24 going -- or does explode, typically that's -- that's  
25 when it's at its highest temperature.

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1 Q. Okay. And what is its highest  
2 temperature?

3 A. That's in hundreds of degrees. I don't  
4 have a specific --

5 Q. Eight hundreds of Celsius?

6 MR. AYALA: Form.

7 A. It could be. Sounds possible. Maybe  
8 600.

9 BY MR. LAFLAMME:

10 Q. Do you have any information as to what  
11 temperature a lithium-ion battery cell, what the  
12 range is within the internal portion of the cell  
13 when it fails through its end cap?

14 A. For the internal components, I believe  
15 they need to exceed 170 Celsius to get into that  
16 last stage of the thermal runaway. But once that  
17 combustion begins, I don't know what the -- what  
18 temperature that might continue to reach.

19 Q. Have you done any research to determine  
20 what the internal temperature of a lithium-ion  
21 battery cell would reach in order to fail through  
22 the end cap?

23 A. I have previously read some studies on  
24 that.

25 Q. You --

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1 A. But the -- but specifically measuring the  
2 internal temperature when it blows off the end cap,  
3 I'm not aware.

4 Q. You're not aware that 1900 degrees  
5 Fahrenheit is about when the -- where the internal  
6 temperatures of a lithium-ion battery cell will  
7 reach when it fails through its end cap?

8 MR. AYALA: Form.

9 A. I wasn't aware of that specific  
10 temperature, no.

11 BY MR. LAFLAMME:

12 Q. Does that temperature sound incorrect to  
13 you?

14 MR. AYALA: Form.

15 A. It sounds plausible.

16 BY MR. LAFLAMME:

17 Q. So you agree, based on your experience  
18 and knowledge and expertise that you are being  
19 presented for, that 1900 degrees Fahrenheit is a  
20 plausible temperature in which the lithium-ion  
21 battery cells would reach when they fail through  
22 their end cap, correct?

23 A. Yes.

24 Q. And when they fail through the end cap,  
25 the contents of the cell is then pushed out of the

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1 top, or rather it pushes the end cap off and then it  
2 spills out the top, correct?

3 A. Yes.

4 Q. When the short circuit first occurs in  
5 cells 4 and 10, the hoverboard would still be  
6 intact, correct?

7 A. Yes.

8 Q. Meaning they're still within the plastic  
9 casing of the hoverboard itself, correct?

10 A. Yes.

11 Q. So when they first spill their contents,  
12 they would be spilling their contents within the  
13 confined space of the hoverboard shell, correct?

14 A. Yes.

15 Q. So with respect to your believed mode of  
16 failure, you have cells 4 and 10 with a short  
17 circuit. They both -- both of their end caps fail  
18 and then their contents expel, correct?

19 A. Yes.

20 MR. AYALA: Eugene, whenever you find  
21 the time, we've been going two hours now. I  
22 don't want to break up if you're in a mode, so  
23 just --

24 MR. LAFLAMME: Once I get off this  
25 topic, I'll --



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1 Thanks.

2 BY MR. LAFLAMME:

3 Q. With respect to your failure mode, you  
4 have the battery pack that is located within the  
5 plastic shell, correct?

6 A. Yes.

7 Q. And then you have cells 4 and 10, which  
8 are the two that you believe short-circuited and  
9 failed. Correct?

10 A. Yes.

11 Q. So they both spilled their contents  
12 within the confines of the hoverboard shell,  
13 correct?

14 A. Yes.

15 Q. And then you believe that that is, then,  
16 what started the fire?

17 A. Yes, I think that's likely.

18 Q. So you believe that the spilled contents  
19 of cells 4 and 10 would have then ignited other  
20 stuff within the hoverboard shell? Am I following  
21 correct?

22 A. Yes. And with the end cap explosion, it  
23 typically -- there's typically flame associated with  
24 the cell itself.

25 Q. So when you have the -- when you have the

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1 short circuit at cells 4 and 10, so then you  
2 ultimately get to the point where there's the  
3 failure that the cap comes off with the contents of  
4 the cell, and at the same time, there's flame.

5 A. Yes.

6 Q. Okay. And so that is -- that's all  
7 affecting the internal portions of the hoverboard,  
8 which then you believe would be the next item to  
9 catch on fire?

10 A. That would be the next -- yeah, just in  
11 space, that's the next item is the hoverboard.

12 Q. Okay. So basically, whatever  
13 combustibles within the hoverboard would be adjacent  
14 to where the end caps failed for 4 and 10, would in  
15 essence be the next items ignited?

16 A. Yes.

17 Q. Did cells 4 and 10 -- were they oriented  
18 so that their positive side was in the same  
19 direction or in different directions?

20 A. I don't recall.

21 Q. Would looking at -- you have a CT on  
22 page 10 of your PowerPoint.

23 I don't know if that tells you, because  
24 the end of 4 is a little hidden.

25 A. So it looks like they would be oriented

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1 opposite.

2 Q. Okay. So 10 -- 10 is, at least on  
3 page 10 of your PowerPoint exhibit, is oriented so  
4 that the end cap is towards the wheel, correct?

5 A. Yes.

6 Q. And then 4 would be oriented so that that  
7 end cap is towards the middle of the hoverboard?

8 A. Yes.

9 Q. Okay.

10 A. And in this case, 4 looks like it's been  
11 folded out of the cells.

12 Q. Okay.

13 A. Of the pack.

14 So, you know, as it is, the positive is  
15 facing the wheel also, but if it were folded back  
16 into its original position, it would be towards the  
17 middle.

18 Q. Gotcha. Okay.

19 A. Okay.

20 Q. So within the battery pack, when they  
21 failed, they would have been facing opposite sides  
22 for the end cap, correct?

23 A. Yes.

24 MR. LAFLAMME: We can take a break  
25 now.

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1 (Recess taken, 11:31 a.m. to  
2 11:38 a.m. PDT)

3 BY MR. LAFLAMME:

4 Q. Mr. King, we were talking about -- or  
5 have gone through Exhibit 72 a bit, which is in  
6 front of you.

7 On the first page is -- there's just a  
8 designation of 23-6098. I assume that's your  
9 internal file number?

10 A. Yes.

11 Q. 2023 --

12 A. Yes.

13 Q. -- would indicate the year in which you  
14 were hired?

15 A. Yes.

16 Q. And then obviously the file number is  
17 however you designate the file number, the 6098?

18 A. Yes.

19 (King Deposition Exhibit 75 marked.)

20 BY MR. LAFLAMME:

21 Q. Sir, Exhibit 75 was another part of your  
22 expert file. And this just appears to be a  
23 highlighted version of the Sweetwater County  
24 Sheriff's Department where you, it looks like, just  
25 highlighted or circled each time one of the names

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1 was mentioned.

2 Is that what you did here?

3 A. No. This was highlighted and annotated  
4 as I received it.

5 Q. So the highlightings and circles of the  
6 individuals throughout this report, that was how you  
7 received it from counsel?

8 A. Yes.

9 Q. And this wasn't received directly from  
10 the sheriff's department, right? It was through  
11 counsel?

12 A. Yes.

13 Q. So as far as the specific reasons or  
14 importance of the various names that are highlighted  
15 or circled, you don't know?

16 A. Correct.

17 Q. Did you do any highlighting or circling  
18 or notes independent of what we see here on the  
19 Sweetwater County Sheriff's report related to this  
20 report?

21 A. No, not other than what was in the  
22 summary document we already looked at.

23 Q. That makes that one easy.

24 Before the break we were talking about  
25 how you believe cells 4 and 10 both had this short

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1 circuit, and their end caps would have come off  
2 within the hoverboard, which then ignited other  
3 combustibles within the hoverboard. Correct?

4 A. Yes.

5 Q. And when there's a short circuit within a  
6 battery cell, you would expect the tab within the  
7 cell to have some damage to it, correct?

8 MR. AYALA: Form.

9 A. Yes.

10 BY MR. LAFLAMME:

11 Q. And what is the -- do you know what the  
12 tab is within an 18650 lithium-ion battery cell?

13 A. Well, there's a positive and a negative  
14 tab that connects the anode catheter to the exterior  
15 of the cell.

16 Q. Let me see if I can find a picture of  
17 those.

18 (King Deposition Exhibit 76 marked.)

19 BY MR. LAFLAMME:

20 Q. Sir, I have handed you what's been marked  
21 as Exhibit 76, which is from the CT scans that were  
22 done on this hoverboard. And this is from -- this  
23 is side B of cell 10.

24 And inside you can see the tab, correct?

25 A. Yes.

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1 Q. And do you know what -- just so we're --  
2 make sure we're communicating on the record, the tab  
3 is what we see moving from the bottom, the negative  
4 side, up to the -- toward the positive side,  
5 correct?

6 A. Yes.

7 Q. And that is inside the cell?

8 A. That's right.

9 Q. What is the tab made of?

10 A. I mean, typically -- let's see. They're  
11 made of a nickel alloy, but I did not specifically  
12 check this tab.

13 Q. Do you know what the melting temperature  
14 is generally of the metal that is used for a tab  
15 internal to a lithium-ion battery cell?

16 A. No, not offhand.

17 Q. And looking at the tab in Exhibit 76,  
18 this tab is still intact, correct?

19 A. Yes, it appears to be.

20 Q. And had there been a short circuit in  
21 this cell, you'd expect to see more damage to this  
22 tab, wouldn't you?

23 MR. AYALA: Form.

24 A. Possibly.

25 \* \* \*

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1 BY MR. LAFLAMME:

2 Q. And with respect to Exhibit 76, that  
3 doesn't show really any damage to this tab, correct?

4 MR. AYALA: Form.

5 A. That's correct. Just a little  
6 deformation.

7 (King Deposition Exhibit 77 marked.)

8 BY MR. LAFLAMME:

9 Q. In looking at Exhibit 77, which is from  
10 the CT scan in a cross section of cell 4, here we  
11 still see the tab intact, correct?

12 A. Yes.

13 Q. And there's no melting on this tab?

14 A. Not that's apparent.

15 Q. And there was no melting on the tab in  
16 Exhibit 76 either, correct?

17 A. That's correct.

18 Q. And as with cell 10 in Exhibit 76, you  
19 would expect to see some damage or melting to this  
20 tab had there been an internal short circuit,  
21 correct?

22 A. Possibly.

23 MR. AYALA: Form.

24 BY MR. LAFLAMME:

25 Q. And in order to get an internal short



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1 circuit, we talked about how the anode and cathode  
2 need to communicate, correct?

3 A. Yes.

4 Q. And the -- in between the anode and  
5 cathode within an 18650 cell is a separator,  
6 correct?

7 A. Yes.

8 Q. And what is the separator made out of?

9 A. It's typically a polymer, a porous  
10 polymer.

11 Q. So in order for the short circuit to  
12 occur in cells 4 and 10, you need to have a failure  
13 of the separator, correct?

14 A. Yes.

15 Q. If the separator doesn't fail, then there  
16 is no way for a short circuit to occur, correct?

17 A. That's right.

18 Q. And the separator is -- it's independent  
19 to each cell, correct?

20 A. Each cell has its own separator.

21 Q. Right. So -- I guess what I'm getting at  
22 is, so each of the ten cells has its own separator  
23 between the anode and cathode, correct?

24 A. Yes.

25 Q. So in order to get a short at cells 4 and

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1 10, both of those separators, so the separator in  
2 cell 4 and the separator in cell 10 would need to  
3 fail in order to get the communication from the  
4 anode and cathode.

5 A. Yes.

6 Q. And both of those separators would have  
7 to fail at the same time in order to get a short in  
8 cells 4 and 10, correct?

9 A. I don't see a timing requirement for  
10 those to be synchronized.

11 Q. Well, in order to get -- because we just  
12 talked about how you have cells 4 and 10, those are  
13 the two cells that had a short circuit, correct?

14 A. Yes.

15 Q. And both of those cells, when they had  
16 their short circuit, you talked about how your --  
17 the progression of the failure was that the end caps  
18 would have come off on cells 4 and 10, then you'd  
19 get the internal contents and some flame on the  
20 internal portions of the hoverboard, which would  
21 then ignite combustibles by cells 4 and 10, correct?

22 A. Yes.

23 Q. And cells 4 and 10 would have failed at  
24 the same time, correct?

25 MR. AYALA: Form.

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1 A. Approximately, yeah.

2 BY MR. LAFLAMME:

3 Q. So in order to get the cells 4 and 10 to  
4 short circuit, both of their separators would have  
5 had to fail at approximately the same time, correct?

6 A. Yes.

7 Q. Have you ever had any other hoverboard  
8 cases where you believe there was a short circuit in  
9 two different cells at approximately the same time?

10 A. I have not personally had any other  
11 hoverboard cases.

12 Q. Okay. How about any other lithium-ion  
13 battery cases, any others that you can identify  
14 where you believe the -- two of -- at least two of  
15 the battery cells within the battery pack failed at  
16 approximately the same time due to a short circuit?

17 A. Not -- nothing comes to mind.

18 Q. Okay. If you could pull out your  
19 PowerPoint again, and go to the page of the CT scan.

20 Were you able to -- was there any arcing  
21 that was found on any wires within the hoverboard?

22 A. Not that I observed.

23 Q. Was there any arcing -- or are you aware  
24 of any arcing that was found on any wires related to  
25 the Wadsworth house at the site?

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1 A. I thought someone mentioned a possible  
2 arc outside. I'm not certain that --

3 Q. So you are aware that there has at least  
4 been some discussions about some arcing that may  
5 have been found on some wires outside of the  
6 residence?

7 A. Yes, at least some discussion of that  
8 possibility.

9 Q. Do you know where that arcing was  
10 located?

11 A. Somewhere related to the shed, the  
12 smoking shed.

13 Q. So you are aware at least of at least  
14 some discussion about some arcing that was  
15 identified at the smoking shed outside of the  
16 residence, correct?

17 A. Yes.

18 Q. Are you aware of any arcing that was  
19 identified inside the residence, the internal house  
20 wiring?

21 A. No, I'm not.

22 Q. And this hoverboard was located just in  
23 front of an electrical outlet, correct?

24 A. I believe so, yes.

25 Q. And you're not aware of any arcing that

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1 was located on that electrical outlet or the  
2 associated wires, correct?

3 A. I'm not aware of any.

4 Q. And arcing within a fire occurs when an  
5 electrical line is hit by flames or high heat and it  
6 is energized, correct?

7 A. Yeah. If the insulation between the  
8 electrified lines goes away and they contact each  
9 other, then you can get an arc.

10 Q. And one of the tenets -- or one of the  
11 necessities in order to have an arc to occur on an  
12 electrical wire is that it needs to be energized,  
13 correct?

14 A. Yes.

15 Q. Do you know where the electrical service  
16 came into the house at the Wadsworth residence?

17 A. No.

18 Q. And do you know where the electrical  
19 service came into the house in relation to where the  
20 smoking shed was located?

21 A. No.

22 Q. Have you seen any photographs of the  
23 arcing that was identified at the smoking shed?

24 A. No.

25 Q. Looking at the CT scan that you have in

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1 your PowerPoint which has been marked as Exhibit 72,  
2 so if we look at cell 10, and we can see that that  
3 end cap is missing, correct?

4 A. Yes.

5 Q. And then there's some wiring that is  
6 coming off of the tire that passes through that  
7 area.

8 Do you see that?

9 A. I do. It's this, yeah?

10 Q. Correct.

11 It's going to be tough to describe, but  
12 there's some wiring that comes off a barrel, so to  
13 speak, that is next to the battery pack, correct?

14 A. Yeah. It's -- and this is a 2D  
15 rendering, but in the image, yes.

16 Q. Okay.

17 All right. And then could you go to  
18 page 8 of your PowerPoint, which is the comparison  
19 between the exemplar and the subject hoverboard.

20 A. Yes.

21 Q. Actually, what may be -- why don't we go  
22 off the record quickly.

23 (Discussion off the record.)

24 BY MR. LAFLAMME:

25 Q. Mr. King, we went off the record quickly

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1 just because the Exhibit 72 that you had did not  
2 have page numbers on it, so we added page numbers to  
3 it. And it is starting on page 1 with the cover  
4 sheet, and the last page should be page 12.

5 A. Yes.

6 Q. Accurate?

7 A. Accurate.

8 Q. Okay. If you could go to page 8 of  
9 Exhibit 72.

10 A. Okay.

11 Q. And this is what shows the comparison of  
12 the exemplar compared to the subject hoverboard.  
13 Correct?

14 A. Yes.

15 Q. So if we are looking at -- sorry if  
16 I'm --

17 A. That's all right.

18 Q. -- at which cell is cell 10, is that the  
19 top one that is closest to us or do you have them  
20 actually labelled there?

21 A. They are labeled. So it's going to be  
22 the bottom of the closest.

23 Q. Okay. So cell 10 would be directly  
24 beneath cell 1.

25 A. Yes.

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1 Q. And then cell 4, we can see where that is  
2 located, correct?

3 A. Yes.

4 Q. And if you look at the exemplar, you can  
5 see the wires that are colored that we were seeing  
6 in the CT scan, correct?

7 A. Yes.

8 Q. All right. And there was no arcing on  
9 any of these wires, correct?

10 A. Correct.

11 Q. And the wires still had their insulation  
12 on them with their -- still had their colored  
13 insulation on them, didn't they?

14 A. In at least some section, yes.

15 Q. And do you know what temperature it takes  
16 to melt the plastic insulation off of wiring?

17 A. Approximately 90C. Depends on the  
18 insulation.

19 Q. It's certainly less than the temperature  
20 that the internal cell contents would come out at or  
21 the fire that would result from the end cap failure,  
22 correct?

23 A. It's less than fire temperatures, yes.

24 Q. Okay. And here, with this fire, we have  
25 still the colored insulation on some of the



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1 electrical wires that are directly next to where you  
2 believe cell 10 failed through its end cap, correct?

3 A. So when I look at this -- so on -- it  
4 looks like on the same page of this subject you can  
5 just see a small section of colored wires in the  
6 subject. To me, that looks like that section would  
7 be closer to cells 8 -- closer to cell 8, especially  
8 when it's in its -- in the assembled condition.

9 As far as the wiring next to cell 10,  
10 it's not clear to me that -- I mean, we couldn't  
11 visually see that area, at least I don't recall  
12 being able to see that section of wiring.

13 Q. But you agree that there was no arcing in  
14 that location, correct?

15 A. Yes.

16 Yeah. And then, those wires, I -- I  
17 wouldn't -- I wouldn't expect those to be energized,  
18 because those -- it looks like those are going  
19 through the axle -- it's like a hollow axle conduit  
20 going to the motor. So I wouldn't expect those to  
21 be energized unless the motor was running.

22 Q. But there was no arcing anywhere within  
23 this hoverboard, correct, on any of the wires?

24 A. I believe that's correct, yeah.

25 Q. How far away would cell -- is cell 8 from

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1 cell 10, distance-wise?

2 A. It's -- well, it's one cell in between,  
3 so approximately 20 millimeters.

4 Q. Okay. And in 18 -- you would agree,  
5 these are 18650 lithium-ion battery cells, right?

6 A. Yes.

7 Q. And the 18 is the designation for the  
8 diameter?

9 A. Right.

10 Q. So an 18650 cell is 18 millimeters wide.

11 A. Yes.

12 Q. So cell 10's end cap would have failed,  
13 under your theory, about 20 millimeters away from  
14 where we still have colored insulation on wiring,  
15 correct?

16 A. Yes.

17 Q. How far is 20-milliliter --  
18 20 millimeters in inches?

19 A. It's almost an inch.

20 Q. Would .78 inches sound accurate?

21 A. That sounds right.

22 Q. So less than an inch away from where you  
23 believe one of the end caps failed within the  
24 internal portions of the hoverboard, you still have  
25 colored wired insulation present, correct?

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1 A. Yes.

2 Q. And the circuit board was -- is directly  
3 beneath the battery pack, correct?

4 A. Yes.

5 Q. And what is the -- what's a circuit board  
6 constructed of?

7 A. It's a mix of polymer and metal. Metal  
8 traces, you know, the components that get soldered  
9 on.

10 Q. So the components could be capacitors,  
11 MOSFETS, things of that nature?

12 A. Yes.

13 Q. And the components are connected to the  
14 circuit board with solder, correct?

15 A. Yes.

16 Q. Do you know what temperature solder melts  
17 at?

18 A. Not offhand.

19 Q. It's a pretty low temperature, correct?

20 A. Yes, it is.

21 Q. Does about 300 degrees sound familiar for  
22 what solder would melt at?

23 MR. AYALA: Form.

24 A. That's -- that sounds plausible.

25 Reasonable.

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1 BY MR. LAFLAMME:

2 Q. Okay. Did any of the solder melt off of  
3 the circuit board in this case?

4 A. I would need to look at that again. I  
5 can't tell you.

6 Q. When determining whether the fire  
7 originated as a result of a short circuit at cells 4  
8 and 10, wouldn't it be important to assess the  
9 condition of the circuit board that's immediately  
10 beneath the battery pack?

11 MR. AYALA: Form.

12 A. It's possible. It would be an  
13 interesting data point.

14 BY MR. LAFLAMME:

15 Q. Meaning because if you had 18650 cell  
16 contents spilling out directly above the circuit  
17 board along with flame above the circuit board, you  
18 would expect the circuit board to be impacted by  
19 that, correct?

20 MR. AYALA: Form.

21 A. To some degree. You know, the direction  
22 where these contents and the flame from the cell  
23 specifically go, that would -- that would vary what  
24 the damage is on the circuit board.

25 \* \* \*

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1 BY MR. LAFLAMME:

2 Q. It sounds like you did not do an analysis  
3 of the circuit board for your opinion in this case,  
4 correct?

5 A. Correct.

6 (King Deposition Exhibit 78 marked.)

7 BY MR. LAFLAMME:

8 Q. I'll hand you what's been marked as  
9 Exhibit 78, which is from the CT scan.

10 And this shows the PCB, correct?

11 A. Yes.

12 Q. And on the PCB, you can still see that  
13 all of the electrical components are intact on the  
14 PCB, correct?

15 A. Yes.

16 Q. And the -- in order for the electrical  
17 components to still be present, they would -- the  
18 solder would need to stay in place, correct?

19 A. Yes.

20 Q. So you agree that there is not any damage  
21 to the PCB that impacted the presence of soldering  
22 on it, correct?

23 MR. AYALA: Form.

24 A. That's -- that appears to be true.

25 \* \* \*

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1 BY MR. LAFLAMME:

2 Q. Okay. That's what the CT scan shows,  
3 correct?

4 A. Yes.

5 Q. So the CT scan shows that the solder on  
6 the PCB, along with the electrical components --

7 Well, let me take a step back.

8 So the CT scan shows that the solder on  
9 the PCB is still in place, correct?

10 A. Yes, at least for what's in this image.

11 Q. And the electrical components,  
12 capacitors, MOSFETS, those are still in place on the  
13 PCB as well.

14 A. They look like they're still where  
15 they're supposed to be.

16 Q. And you did not find any loose  
17 capacitors, MOSFETS, or other types of electrical  
18 components from the PCB within the evidence that you  
19 looked at for the hoverboard, correct?

20 A. Correct.

21 Q. Meaning there wasn't anything loose from  
22 the PCB that was collected within the hoverboard  
23 evidence, correct?

24 MR. AYALA: Object to form.

25 A. Not that I found.

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1 BY MR. LAFLAMME:

2 Q. And MOSFETS are M-O-S-F-E-T-S. Is that  
3 right, Mr. King? Is it F-E-T-S?

4 A. Yes.

5 Q. And I think it's all capitalized too.  
6 It's an acronym for something.

7 A. Mm-hmm.

8 Q. And the underside of this hoverboard was  
9 still mostly intact, correct?

10 A. Yes.

11 Q. And the carpeting beneath the hoverboard  
12 was still intact?

13 A. Yes.

14 Q. And you could still see the color, the  
15 iridescent color of the hoverboard on the underside  
16 it of, correct?

17 A. Yes.

18 Q. And you could see the iridescent color on  
19 the underside of both sides of the hoverboard,  
20 correct?

21 A. Yes.

22 Q. Meaning the side also directly beneath  
23 the battery pack that you believe had a failure in  
24 it?

25 A. Yes.

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1 Q. And the wheels on the underside still had  
2 their treads, correct?

3 A. I don't recall specifically.

4 Q. Okay. Just a second here.

5 I'm going to have to do this one  
6 electronically, and then I think what we can do is I  
7 can send it to you and we can mark it, and I'll flip  
8 this around for you so you can see it.

9 (King Deposition Exhibit 79 marked.)

10 BY MR. LAFLAMME:

11 Q. I think we have it so you and I are  
12 looking at the same thing now.

13 Do you see my cursor moving?

14 A. Yes.

15 Q. So we are -- there are three photographs  
16 here in this Word document, two on the first page,  
17 one on the second page, which we will mark as  
18 Exhibit 79.

19 And here you can see the underside of the  
20 hoverboard, correct?

21 A. Yes.

22 Q. And as we discussed, it still has the  
23 iridescent coloring to it, correct?

24 A. Yes.

25 Q. What side of the hoverboard is the



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1 battery side?

2 A. I don't recall from this orientation.

3 Q. Does me going down to any of the other  
4 photos help, or no?

5 A. It does not help my recollection.

6 Q. Okay. All right. So at least on both  
7 sides, both the battery side and the nonbattery  
8 side, we still have some iridescent coloring, and  
9 the bottom is pretty well intact. True?

10 A. Yeah.

11 MR. AYALA: Form.

12 A. From -- I mean, the ends. The middle is  
13 destroyed, but the ends, you can still see the  
14 green.

15 BY MR. LAFLAMME:

16 Q. And then you can see the brown coloring  
17 on the carpet still, correct?

18 A. Yes.

19 Q. And you can see the treads on one tire  
20 here in the first photograph, correct?

21 A. Yes.

22 Q. And then if we go down, the second  
23 photograph is more of a close-up of those treads,  
24 correct?

25 A. Yes.

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1 Q. And then here's an orientation where you  
2 can see the treads on the bottom of both tires,  
3 correct?

4 A. Yes.

5 Q. And these tires are rubber, correct?

6 A. Yes.

7 Q. Do you know what the melting point of  
8 rubber is?

9 A. Not offhand.

10 Q. Do you know what the melting point is of  
11 the plastic casing for the hoverboard?

12 A. No.

13 Q. Is it -- it's a polymer product?

14 A. Yes.

15 Q. Have you been involved in any other  
16 hoverboard fire investigations where you believed  
17 the hoverboard was a cause of the fire but had a  
18 similar appearance on the underside where you could  
19 still see the color of the shell and the form of the  
20 shell?

21 A. I have not been -- so the other  
22 hoverboard case where I assisted, I don't have any  
23 recollection or knowledge of the condition of that  
24 board, so...

25 Q. The one other hoverboard case that you've

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1 worked on, did you ever see the board that was being  
2 investigated to determine if it had failed?

3 Or did you just see the exemplar?

4 A. I just saw the exemplar, to my memory.

5 Q. And your involvement with that exemplar  
6 was coming up with a process to extract data from  
7 it, correct?

8 A. Yes.

9 MR. LAFLAMME: I'm just going to save  
10 this now, before I forget.

11 BY MR. LAFLAMME:

12 Q. Did you do any testing in this case  
13 relative to the hoverboard?

14 A. No.

15 (King Deposition Exhibit 80 marked.)

16 BY MR. LAFLAMME:

17 Q. I'll hand you what's been marked as  
18 Exhibit 80.

19 And in Exhibit 80, this is from the CT  
20 scan. Can you see the plug receptacle?

21 A. Yes.

22 Q. And that's the barrel with three pins in  
23 it?

24 A. Yes.

25 Q. And looking at the plug receptacle, there

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1 is no physical evidence that shows that anything was  
2 plugged into that at the time of the fire, correct?

3 A. That's correct.

4 Q. In your analysis in this case, did you  
5 ever do an assessment on any of the electrical  
6 evidence that was identified in the smoking shed?

7 A. No.

8 Q. And I understand you haven't seen that  
9 physical evidence. You also haven't seen the  
10 photographs of the arcing that was present in the  
11 smoking shed, correct?

12 A. Correct.

13 Q. Do you still have the exemplar  
14 hoverboard?

15 A. Yes.

16 Q. And where is that maintained?

17 A. It's at our lab in the office.

18 Q. And understanding that you took apart the  
19 exemplar hoverboard to a certain extent, why don't  
20 you walk me through everything that you did with the  
21 exemplar?

22 A. Well, it was really a disassembly to  
23 document original orientation of the components.

24 Q. So when you did the disassembly, you --  
25 because it's encased in the plastic shell, the

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1 hoverboard shell, correct?

2 A. Yes.

3 Q. Okay. You would have -- I believe it's  
4 together with screws. Is that how it's secured?

5 A. Yes.

6 Q. All right. So you would have removed the  
7 screws and then pulled apart the two -- the bottom  
8 and the upper half of the shell?

9 A. Yes.

10 Q. And then within the shell, then you  
11 obviously have the internal components, correct?

12 A. Right.

13 Q. And those are shown on page 8 of your  
14 PowerPoint. And in looking at the internal  
15 components, it looks like you removed the battery  
16 pack.

17 A. Yes.

18 Q. Did you disconnect the battery pack or  
19 did it remain connected? Meaning with the wires.

20 A. It was unplugged.

21 Q. And then when you removed the battery  
22 pack, what did you do with it?

23 A. Well, I measured the polarity of the  
24 cells and marked them, as we discussed earlier,  
25 positive and negative. And that was primarily it as

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1 an orientation.

2 Q. So it sounds like the main purpose of  
3 getting the exemplar was to, number one, figure out  
4 the configuration of the battery pack.

5 A. (Witness nods.)

6 Q. Correct?

7 A. Yes.

8 Q. And then comparing that configuration to  
9 the lithium-ion battery cells that were present in  
10 the subject hoverboard?

11 A. Yes.

12 Q. And then you used that in order to come  
13 up with a configuration of the cells that were  
14 within the hoverboard by comparing it to the battery  
15 pack.

16 A. Yes.

17 Q. And then you went through the labeling  
18 process of labeling them 1 through 10?

19 A. Yes.

20 Q. And did anyone assist you with this  
21 process?

22 A. Yes. I have an engineering assistant.

23 Q. Who is that?

24 A. Samuel Lee.

25 Q. Has Mr. Lee assisted in any other portion

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1 of your investigation besides the exemplar  
2 comparison?

3 A. We reviewed the CT scans together when we  
4 were identifying orientation of the subject cells.

5 Q. Was Mr. Lee's role with respect to this  
6 process in a -- I assume an assistive role, since  
7 he's an engineering assistant?

8 A. Yes.

9 Q. The ultimate determination as to the  
10 configuration of the battery cells, was that your  
11 determination?

12 A. Yes. We -- you know, we discussed what  
13 we were observing and came to an agreement that we  
14 both saw the same thing.

15 Q. Any other aspect of your investigation  
16 that Mr. Lee assisted with?

17 A. I don't believe so.

18 Q. Did you ever look at the subject  
19 hoverboard on any other date other than the date we  
20 were all at your location on -- in February of this  
21 year?

22 A. Yes. I don't recall the date, but it  
23 arrived at our office, and then we did a  
24 documentation of -- kind of a standard evidence  
25 arrival documentation, and then we sent it out

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1 somewhere. I don't recall where.

2 Q. The CT scan was not done in-house at your  
3 location, right?

4 A. Correct.

5 Q. When the hoverboard arrived at your  
6 location, did you unwrap the hoverboard or did it  
7 maintain -- or did it stay wrapped until our  
8 inspection?

9 A. It -- I believe it was unwrapped.

10 Q. And when it was unwrapped, did you do any  
11 specific inspection on the hoverboard at that time?

12 A. No. Only documentation. Photo  
13 documentation.

14 Q. So you received the hoverboard. It was  
15 received from Mr. Palmer's office, correct?

16 A. I couldn't say offhand.

17 Q. You received it from somewhere. Through  
18 the intake process, you would have unwrapped it,  
19 just done some general overview document --  
20 photographs, correct?

21 A. Yes.

22 Q. And then it would have been provided to  
23 whoever it was that you had do the CT scan?

24 A. Yes.

25 Q. And then it would have been returned to



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1 BEAR?

2 A. It was eventually, yes.

3 Q. And then we had our inspection in  
4 February of '24.

5 In between those two times, from when it  
6 was initially taken in until the joint inspection in  
7 February of '24, did you do any independent  
8 inspections on this hoverboard?

9 A. No.

10 Q. Since February of '24, have you done any  
11 independent inspections on this hoverboard?

12 A. No.

13 Q. And the hoverboard, I presume, is still  
14 wrapped up at your location?

15 A. It is.

16 Q. Before I get into your report, why don't  
17 we -- now is probably a good time to take a quick  
18 lunch break.

19 A. Sure.

20 (Recess taken, 12:33 p.m. to  
21 1:14 p.m. PDT)

22 BY MR. LAFLAMME:

23 Q. We may have had some miscommunication  
24 earlier on temperature, so I just want to run  
25 through that whole process again.

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1           We had discussed what the temperature  
2 would be for the contents that are being spilled out  
3 of the internal portions of the cell as the short  
4 circuit causes the cap to pop off.

5       A.    Right.

6       Q.    Do you remember that line of questioning?

7       A.    Yes.

8       Q.    Okay. And I had indicated that -- I had  
9 asked you whether 1900 degrees Fahrenheit would be a  
10 temperature that could be in the range when that  
11 type of failure occurs. And you had indicated that  
12 type of temperature was plausible, correct?

13      A.    Yes.

14      Q.    As far as the specific range of  
15 temperatures that you would expect to see on a  
16 short-circuit-type failure as the contents are being  
17 spilled out of the battery cell, I don't believe you  
18 had a specific range for that; is that correct?

19      A.    Correct.

20      Q.    And so as you sit here today, you aren't  
21 able to give a specific range of what the  
22 temperature would be of the contents spilling out of  
23 the internal portions of the battery cell during a  
24 short circuit failure other than the 1900-degree  
25 Fahrenheit would be a plausible temperature.

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1 A. Yeah. I could be a little more specific.

2 The contents could be a few hundred degrees Celsius.

3 The higher temperature, the 1900 that you suggested,

4 you know, that's going to come from the combustion

5 of the organic compounds as they come out, so...

6 Q. And just to break that down so that I --

7 I think I know what you're saying, but I want to

8 make sure I know what you're saying. The physical

9 contents that are being expelled, which I think has

10 sometimes been referred to as a jelly roll?

11 A. Yes.

12 Q. So the jelly roll contents, those

13 contents would be in the range of a few hundred

14 degrees Celsius, or could be.

15 A. Could be, yes.

16 Q. And when you say a few hundred degrees

17 Celsius, what range are you talking in that regard?

18 A. Two-, three-, 400, that type of range.

19 Q. So somewhere in the two- to 400 Celsius

20 degree range for the physical content temperature?

21 A. Yeah.

22 Q. Okay. And then for the combustion of the

23 contents that are being spilled, that's where you

24 can get a range of up to the 1900 degrees

25 Fahrenheit?

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1 A. Right.

2 Q. Okay.

3 A. Yeah.

4 Q. Yes?

5 A. Yes.

6 Q. Okay. And we talked before about how,  
7 when there is a short circuit of the nature that you  
8 think occurred here, you have the spilled physical  
9 contents but you also have combustion of those  
10 contents in flame, correct?

11 A. Yes.

12 Q. So it's the combustion of those contents  
13 and the flame that gets up into the 1900-degree  
14 Fahrenheit range.

15 A. Yes.

16 Q. And did you look -- you did not look at  
17 the melting temperature of any of the components  
18 that would have been around the battery pack within  
19 the internal portions of the hoverboard during your  
20 assessment in this case, correct?

21 A. Correct.

22 Q. And the tab that is inside the 18650 cell  
23 that we looked at on the CT scan, I know you had  
24 indicated that could be nickel.

25 Was that one of the materials?

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1 A. Yes, just based on memory.

2 Q. Okay. It could also be aluminum?

3 A. I believe it could, yeah.

4 Q. As you sit here today, do you know what  
5 metal was used for the tab within the lithium-ion  
6 battery cells for this case?

7 A. No.

8 Q. Anything else besides nickel or aluminum  
9 that it could be?

10 A. Not that I recall.

11 Q. Do you know what the melting temperature  
12 is of aluminum?

13 A. No, not offhand.

14 Q. And then solder, we agreed, melts at  
15 around 300 degrees Fahrenheit, correct?

16 A. That sounds right.

17 Q. I think the actual range is 275 to 350.

18 Does that sound accurate?

19 A. That sounds good, yeah.

20 Q. And that's Fahrenheit as opposed to  
21 Celsius?

22 A. Yes.

23 Q. All right. I had -- while you guys were  
24 out, we marked as Exhibit 81, your report.

25 (King Deposition Exhibit 81 marked.)

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1 BY MR. LAFLAMME:

2 Q. And looking at your report, Exhibit 81,  
3 this shows a date of July 12, 2024, in which it was  
4 drafted, correct? Or at least completed.

5 A. Yes.

6 Q. Did you maintain any draft reports?

7 A. No.

8 Q. During your drafting process, do you meet  
9 with counsel before finalizing the report?

10 A. Sometimes. Sometimes I will send a  
11 draft, if -- but not always.

12 Q. Do you know if you sent a draft in this  
13 case?

14 A. I don't recall. I don't think I did,  
15 though.

16 Q. Has your primary contact in this case  
17 always been Mr. Ayala?

18 A. Yes.

19 Q. Ever have any contact with an attorney  
20 Greyson Goody?

21 A. No.

22 Q. How about an attorney, Mr. Goldrosen,  
23 from Morgan & Morgan?

24 A. Yes.

25 Q. On this case?

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1 A. I -- maybe at the very beginning. I'm  
2 not certain of that.

3 Q. You've worked with Mr. Goldrosen on some  
4 other cases, correct?

5 A. Yes.

6 Q. And specifically the Onewheel cases, I  
7 believe you worked with him on?

8 A. Yes.

9 Q. All right. Going to page 3 of your  
10 report, which is where the substantive part of it  
11 starts, correct?

12 A. Yes.

13 Q. The first part you just have a summary,  
14 and in the summary you indicate that only one of  
15 five investigators that investigated this fire  
16 determined that they couldn't rule out a fire  
17 starting outside.

18 Do you see that?

19 A. Yes.

20 Q. You have not reviewed Chief Erdmann's or  
21 Chief Robinson's deposition testimonies, have you?

22 A. I have not.

23 Q. Are you aware that Chief Erdmann  
24 testified that he never came up with an origin  
25 opinion?

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1 A. No, I was not aware.

2 Q. Are you aware that Chief Robinson  
3 indicated during his deposition that based on the  
4 additional evidence about the smoking shed, that he  
5 would need to investigate it further so that his  
6 determination at the time was undetermined,  
7 investigation -- further investigation required.

8 Were you aware of that?

9 MR. AYALA: Form.

10 A. No.

11 BY MR. LAFLAMME:

12 Q. You have not read either Chief Robinson's  
13 or Chief Erdmann's deposition testimony, though, in  
14 that regard?

15 A. Correct.

16 Q. With respect to Ms. VanDongen, there's  
17 the statement that she couldn't rule out a fire that  
18 started outside the bedroom window, and then there's  
19 a footnote number 2, which indicates call notes from  
20 Angela Kelsey-Flowers.

21 Do you see that?

22 A. Yes.

23 Q. Who is Angela Kelsey-Flowers?

24 A. I don't know.

25 Q. So are these your call notes or are



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1 these --

2 A. These are part of the materials provided  
3 to me.

4 Q. So it looks like there is a Salesforce  
5 record in your file that contains this information,  
6 and then it says that it was created by Angela  
7 Kelsey-Flowers on December 20th, 2022.

8 I think that's probably what you're  
9 referring to.

10 A. Yes.

11 Q. Did you ever speak with Angela  
12 Kelsey-Flowers about this note?

13 A. No.

14 Q. So as far as you are aware, at this point  
15 it was just a note that you had in your file about  
16 Ms. VanDongen's conclusion about not being able to  
17 rule out an outside fire?

18 A. Yes.

19 Q. Have you reviewed the Matterport scan in  
20 this case?

21 A. No.

22 Q. Have you done anything to assess the  
23 potential of alternative causes of this fire outside  
24 of the hoverboard?

25 A. No, I have not.

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1 Q. And in looking at your file here, you  
2 have some photographs -- or you have a section  
3 called photos and videos, correct? And that was in  
4 your document summary?

5 A. Yes.

6 Q. It looks like the photos and videos  
7 are -- there are some pictures provided by the  
8 client which show some injury photos, correct?

9 A. Yes.

10 Q. And then there's the ESI, Daren Slee  
11 photos from the first site inspection, correct?

12 A. Yes.

13 Q. And then there is a subfolder, just  
14 generically called Cause and Origin Investigation  
15 Pics.

16 Do you know where that came from?

17 A. No.

18 Well, it was provided to me by counsel,  
19 but...

20 Q. But, I mean, do you know who took those  
21 photographs?

22 A. No.

23 Q. And then in one of your other subfile  
24 folders, under Materials Received 6-20-24, that --  
25 it looks like there are some depo summary notes from

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1 Ms. Kremers, who's the Walmart deponent, and

2 Mr. Husain, who was the Jetson deponent.

3 A. Yes.

4 Q. And those depo summaries, did you put  
5 those together?

6 A. I did.

7 Q. And I do see the admin folder now with  
8 the retainer agreement.

9 And at the time of the retainer  
10 agreement, which would have been signed on  
11 September 5, 2023, I assume that's when BEAR was  
12 first engaged in this case?

13 A. Yes.

14 Q. And it looks like you -- BEAR was engaged  
15 by Attorney Goldrosen from Morgan & Morgan, correct?

16 A. Yes.

17 Q. And then at the time, your per-hour  
18 expert fee was 175 per hour?

19 A. Yes.

20 Q. Did that go up, then, this year?

21 A. For -- yes, for 2024.

22 Q. So at the turn of -- as of January 1,  
23 2024, is that when it went up to 200?

24 A. Yes.

25 Q. Looking at page 3 of your expert report,

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1 you go on to state below the photographs that:

2 These batteries are known -- are a known fire

3 hazard, and UL standard 2272 was developed to help

4 address this hazard in devices such as the subject

5 board.

6 Do you see that?

7 A. Yes.

8 Q. So when you're saying these batteries are

9 a known fire hazard, and then UL 2272 was developed,

10 that standard was put together by UL to address the

11 prior fire hazards that were involved with earlier

12 lithium-ion battery products, correct?

13 A. Yes. My understanding is that standard

14 addresses, like, personal mobility devices. You

15 know, where I say these batteries are a known fire

16 hazard, that's based on a broader application of the

17 batteries.

18 Q. And understanding UL 2272 is the overall

19 standard that hoverboards fall under, correct?

20 A. Right.

21 Q. And there's not anything that you've done

22 in this case that has identified a deviation from

23 the UL 2272 standards, correct?

24 MR. AYALA: Form.

25 A. Not specifically, no.

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1 BY MR. LAFLAMME:

2 Q. Just to be real clear, is there any  
3 aspect of this hoverboard that you believe deviated  
4 from UL 2272 standards?

5 MR. AYALA: Form.

6 A. No, other than I believe it's more likely  
7 to be a source of fire, but...

8 No, I haven't reviewed the design  
9 documentation for this board.

10 BY MR. LAFLAMME:

11 Q. You haven't reviewed the design  
12 documentation or any of the UL test records for this  
13 hoverboard, correct?

14 A. Correct.

15 Q. And you haven't reviewed any of the UL  
16 test records for the battery cells in this  
17 hoverboard, correct?

18 A. Correct.

19 Q. On page 4 of your report, it goes through  
20 materials reviewed, and those are all of the  
21 materials that you had reviewed at the time of your  
22 report, correct?

23 A. Yes.

24 Q. And then the only additional material  
25 that you've reviewed was skimming through Detective

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1 Sheaman's deposition transcript this weekend?

2 A. Yes.

3 Q. And nothing else that you've reviewed,  
4 correct?

5 A. Correct.

6 Q. Going to page 5 in your report. I think  
7 we talked about this photograph during your  
8 PowerPoint exhibit. And it looks like your  
9 PowerPoint exhibit somewhat tracks your report,  
10 correct?

11 A. Yes.

12 Q. So looking at Figure 3 on page 5, that  
13 shows the interior wood consumption in the studs  
14 between the hallway and the bedroom, correct?

15 A. Yes.

16 Q. And although you have it labeled as a V  
17 pattern, you aren't testifying that that is indeed a  
18 V pattern under your investigation, correct?

19 A. Correct. It just resembles a V visually.

20 Q. But you aren't stating with respect to  
21 your investigation that what we're looking at here  
22 in Figure 3 on page 5 of your report is a V pattern  
23 under NFPA 921, correct?

24 A. Correct.

25 Q. And then Figure 4, we also talked about

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1 that on your PowerPoint, correct?

2 A. Yes.

3 Q. And then we talked about the three  
4 bullets points which mirror your PowerPoint on  
5 page 6 of your report as well?

6 A. Yes.

7 Q. In looking at Figure 5, page 7 of your  
8 report, this is just an overview of the damaged  
9 hoverboard, correct?

10 A. Yes.

11 Q. And then on the right side, you -- in  
12 between the batteries and the wheel, you can see  
13 that colored insulation a little bit on the wiring,  
14 correct?

15 A. Yes.

16 Q. If you could go to page 10.

17 On the last paragraph of Section 5, you  
18 say: A more detailed root cause analysis may be  
19 performed after additional documentation has been  
20 provided for the Plasma board, battery pack and  
21 battery cells.

22 Do you see that?

23 A. Yes.

24 Q. What additional documentation were you  
25 looking for?

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1 A. If we wanted to do this type of analysis,  
2 it would be product specifications for the board and  
3 the cells, and the battery pack. It would be the  
4 test reports for the cells and battery pack, as well  
5 as the hoverboard overall.

6 So that would be like UL reports. I  
7 believe there's an IEC standard as well.

8 Yeah. Any -- if Jetson did any FMEAs for  
9 this board or components, I would want to see those  
10 also.

11 Q. The UL test standards for the hoverboard  
12 and the battery cells and battery pack, those mirror  
13 what an FMEA process would be, correct?

14 MR. AYALA: Form.

15 A. I don't think so, no.

16 BY MR. LAFLAMME:

17 Q. Okay. So you think an FMEA would be  
18 different from what the UL test requirements are?

19 A. Yeah. It's -- it's a different process.  
20 I mean, you know, some of the factors, which you  
21 come up with or, you know, Jetson would come up with  
22 in their FMEA, may be addressed in the standards,  
23 but that -- it's not -- they're not the same thing.

24 Q. Do you know if -- did Jetson manufacture  
25 this hoverboard?



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1 A. I don't know the manufacturer, how that  
2 relates to the Jetson name.

3 Q. Do you know if Jetson designed the  
4 hoverboard and its components?

5 A. I don't -- I don't recall. I believe  
6 Mr. Husain addressed that, but...

7 Q. You are aware that Mr. Husain testified  
8 that the manufacturer is a Chinese company, correct?

9 A. I just -- I don't recall specifically,  
10 but that sounds plausible.

11 Q. And that the Chinese manufacturer was the  
12 one that designed the hoverboard, other than some  
13 aesthetic portions that Jetson had some input in.

14 Do you recall that testimony?

15 A. No, not specifically, no.

16 Q. Did you read all of Mr. Husain's  
17 deposition?

18 A. I did, yes.

19 Q. When was the last time you read it?

20 A. That would be prior to this report.

21 Q. Obviously, Mr. Husain's testimony will  
22 speak for itself, but you don't have any evidence  
23 that Jetson designed or manufactured this  
24 hoverboard, correct?

25 A. Correct.

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1 Q. Jetson imported this hoverboard from a  
2 Chinese manufacturer, and then sold it, in this  
3 case, through Walmart.

4 MR. AYALA: Form.

5 BY MR. LAFLAMME:

6 Q. Is that your understanding?

7 A. That's my understanding, yeah.

8 Q. So looking at Section 6, which is your  
9 Design and FMEA Risk Assessment section, on page 10,  
10 11, and 12, this section of your report looks almost  
11 identical to other FMEA reports that BEAR has put  
12 out.

13 A. Yes.

14 Q. Okay. And so this is, at least that  
15 portion of Section 6 -- and understanding you go  
16 into the specifics on this case a little at the end  
17 of it, but on page 10, 11, and 12, those are all  
18 common background FMEA information that you have put  
19 in other reports as well --

20 A. Yes.

21 Q. -- correct?

22 A. Yes.

23 Q. And BEAR has put in a number of reports?

24 A. Yes.

25 Q. So with respect to the specific criticism

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1 that you have on the FMEA side, we're really just  
2 looking at this last paragraph on page 13 where it  
3 says: Jetson should have conducted an FMEA or other  
4 risk assessment to eliminate unnecessary risks as  
5 part of their design process. Correct?

6 A. Yes.

7 Q. And in this case, your primary concern  
8 would be with the battery cells, since that's what  
9 you believe failed, correct?

10 A. Yes.

11 (King Deposition Exhibit 82 marked.)

12 BY MR. LAFLAMME:

13 Q. Hand you what's been marked as  
14 Exhibit 82.

15 And looking at Exhibit 82, have you seen  
16 these types of documents before?

17 A. Not in this case.

18 Q. Okay. Are you familiar with them  
19 generally?

20 A. I believe I have seen these before in  
21 other cases.

22 Q. Okay. What other cases?

23 A. I believe there was a scooter case, but  
24 it's not something I've seen often.

25 Q. Okay. Well, looking at Exhibit 82, you

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1 can see that it bears the Bates number JETSON 322 on  
2 the first page.

3 Do you see that?

4 A. Yes.

5 Q. Okay. Indicating this has been a  
6 document that's been produced in this case. But  
7 this is the first time you've seen it, correct?

8 A. Yeah, it is.

9 Q. In looking at Exhibit 82, you can see  
10 Test Record No. 1, where it says: Samples of the  
11 personal e-mobility devices, models -- and then it  
12 says, colon, Plasma. As indicated below and  
13 constructed as described herein, were selected and  
14 submitted by the manufacturer for examination and  
15 test to representative of all models.

16 Do you see that?

17 A. Yes.

18 Q. So the test process included some samples  
19 of the Plasma model hoverboard, correct?

20 A. Yes.

21 Q. And if you look at the first page, and  
22 you go down to the battery and cell configuration  
23 for scooters, you can see that we have our same cell  
24 model, the INR18650P 9.0 watt-hours.

25 \* \* \*

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1 A. Yes.

2 Q. And that's the same battery that is used  
3 in the Plasma model, correct?

4 A. Yes.

5 Q. And then if you go to page 2, you can see  
6 that there are a number of tests that were conducted  
7 on this hoverboard.

8 Do you see that?

9 A. Yes.

10 Q. And one of them is a short-circuit test,  
11 correct?

12 A. Yes.

13 Q. And a short-circuit issue is the specific  
14 issue that you believe was the concern with cells 4  
15 and 10 in the subject hoverboard?

16 A. The short-circuit issue that I was  
17 concerned about is internal to the battery.

18 Q. Okay. So is the short-circuit issue  
19 that's being tested here, do you believe that that's  
20 different than internal to the battery?

21 A. Yes.

22 Q. Where is the short-circuit issue that's  
23 being tested for this?

24 A. Let's see. I am looking for that  
25 information.

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1 [Document review.]

2 A. I don't know if I'm just missing it, but  
3 I -- when I look through this, I don't see any  
4 information on that short-circuit test.

5 BY MR. LAFLAMME:

6 Q. You think that that short-circuit test  
7 may be different -- a different test than what is  
8 the short circuit that you have a concern about in  
9 this case?

10 A. Yes. I believe it's a short circuit  
11 external to the cell.

12 Q. Going to the last page of this  
13 JETSON 332, there's a Conclusion section.

14 Do you see that?

15 A. Yes.

16 Q. And then it says: The product covered by  
17 this report has been found to comply with the  
18 requirements covering the category and the product  
19 is found to comply with UL's applicable  
20 requirements.

21 Do you see that?

22 A. Yes.

23 Q. And that's an indication that the Plasma  
24 model, as tested, met the applicable UL  
25 requirements, correct?

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1 MR. AYALA: Form.

2 A. Yes.

3 BY MR. LAFLAMME:

4 Q. To get the 2580 UL certification for a  
5 lithium-ion battery cell, do you know what the test  
6 process is?

7 A. I don't recall that offhand. Yeah, I  
8 don't recall all the steps offhand.

9 Q. Do you recall any of the steps?

10 A. The standard that I was once familiar  
11 with included crush tests, piercing tests,  
12 short-circuit tests with a specified resistance,  
13 temperature-related tests.

14 Q. So the testing to get a 2580  
15 certification would include a short-circuit test on  
16 the battery cell, correct?

17 A. And -- yes, an external short.

18 Q. You don't think they would test an  
19 internal short circuit at all?

20 A. No.

21 Q. And what are you basing that on?

22 A. Well, internal shorts are caused by a  
23 breakdown in the separator. So, I guess, it -- you  
24 know, I should say an internal short could be tested  
25 in some way through a piercing test, possibly, and

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1 exposure to high enough temperature to melt and  
2 shrink the separator.

3       So it -- those types of tests could be --  
4 could include internal shorting.

5       Q.   So internal shorting is tested to a  
6 certain extent in order to get the UL 2580  
7 certification for a battery cell, correct?

8       A.   I believe it is, yeah.

9       Q.   And are you aware of who's on the roster  
10 for 2580 in coming up with the test standards?

11      A.   No.

12      Q.   Did the -- the FMEA process, that derived  
13 from the US military; is that where it was first  
14 utilized?

15      A.   Yeah. Yeah, if I recall their history  
16 and background correctly.

17      Q.   Are you aware that the U.S. Army is a  
18 governmental member of the 2580 standards committee?

19      A.   No.

20      Q.   And the U.S. Consumer Protection Safety  
21 Commission is a member of the 2580 committee?  
22 You're not aware of that?

23      A.   No.

24           (King Deposition Exhibit 83 marked.)

25           \* \* \*



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1 BY MR. LAFLAMME:

2 Q. I'll hand you what's been marked as  
3 Exhibit 83.

4 And up top you can see in the left-hand  
5 side that it says TC, which I understand stands for  
6 technical committee. Is that your understanding as  
7 well?

8 A. That sounds right.

9 Q. And so this is the technical committee  
10 roster for UL 2580 batteries for use in electric  
11 vehicles.

12 Do you see that?

13 A. Yes.

14 Q. And 2580 is the test standard that  
15 applies to the batteries utilized in the Plasma  
16 hoverboard?

17 A. Yes.

18 Q. And you can see that the U.S. Army is a  
19 member of the technical committee, correct?

20 A. Where is that?

21 Q. It's about halfway down on the first  
22 page.

23 A. Oh, yes.

24 Q. Yi Ding, Y-I, D-I-N-G, is the individual  
25 from the U.S. Army.

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1 Do you see that?

2 A. Yes.

3 Q. And then further down on that page you  
4 can see that the U.S. Consumer Protection Safety  
5 Commission is a member as well?

6 A. Yes.

7 Q. And then if you go to the second page,  
8 CSA Group, which is the Canadian standards  
9 association, they are a member as well?

10 A. Yes.

11 Q. Okay. And these are all the individuals  
12 that come together to put together the test  
13 standards for UL 2584 lithium-ion battery cells  
14 that -- for use in electric vehicles, which includes  
15 hoverboards in this case, correct?

16 A. Yes.

17 (King Deposition Exhibit 84 marked.)

18 BY MR. LAFLAMME:

19 Q. Mr. King, I'll show you what's been  
20 marked as Exhibit 84.

21 And this is the front page of the UL 2580  
22 standard, correct --

23 A. Yes.

24 Q. -- on page 1. And then on page 2 -- or,  
25 sorry, page 12 and 13, it talks about standards that

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1 are -- other standards that are incorporated into  
2 this standard, correct?

3 A. That appears to be the case.

4 Q. You're familiar with UL codes, or UL  
5 standards, correct?

6 A. In general, yes.

7 Q. And then at the beginning of each UL  
8 standard, they list a number of other standards that  
9 are incorporated into that standard, correct?

10 A. Right.

11 Q. That's a pretty standard -- typical  
12 process for the UL standards, correct?

13 A. Yes.

14 Q. And then if you look at page 13 under the  
15 SAE standards, do you know what SAE stands for?

16 A. So it was Society of Automotive  
17 Engineers.

18 Q. Okay. Under SAE J1739, you can see that  
19 there's a design and process FMEA that is actually  
20 incorporated into 2580.

21 Do you see that?

22 A. Yes.

23 Q. So 2580, for the battery cells  
24 themselves, goes through an FMEA-type test process  
25 in order to get that certification, correct?

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1 MR. AYALA: Form.

2 A. Maybe. I really -- I don't know the  
3 details of how this SAE standard is incorporated  
4 into 2580 or how it informed 2580's contents.

5 BY MR. LAFLAMME:

6 Q. Okay. But as we sit here today, you  
7 don't know at all what the test process is in order  
8 to get a 2580 certification, correct?

9 A. No, I'm not very familiar with this  
10 standard.

11 Q. And you don't know how the test process  
12 for UL 2580 would or would not differ in any way  
13 from an FMEA, correct?

14 A. Well, no. The -- doing a test process  
15 is -- you follow steps, you know, perform certain --  
16 perform certain tests, collect data.

17 That's one type of process. Performing  
18 an FMEA is a different type of process. It's not --  
19 so performing an FMEA is -- a lot of it is a thought  
20 and documentation process where, you know, the  
21 interested parties figure out failure modes and rate  
22 them and risk severity/occurrence, and then tend to  
23 figure out root causes.

24 So that's an FMEA process. And then, of  
25 course, that gets updated by real-world data, so,

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1 you know, consumer complaints, incidents, anything  
2 that could drive a re-evaluation of what's already  
3 been laid out.

4 Q. Well, in your report here at page 13, you  
5 reference FMEA or other risk assessment to eliminate  
6 unnecessary risks as part of their design process.

7 Do you see that?

8 A. Yes. Mm-hmm, I do.

9 Q. When you say "their" design process,  
10 whose design are you talking about?

11 A. Well, when I wrote this, I mean, the  
12 only -- the only name I was really familiar with was  
13 Jetson, so, you know, at the time in my mind, it  
14 would -- it was Jetson who would do it.

15 Q. Do you have any information as to what  
16 FMEA or other risk assessment process may have been  
17 adopted by the manufacturer for this hoverboard?

18 A. I don't have that information.

19 Q. But you are aware that the battery cells  
20 that were utilized in this hoverboard were UL  
21 certified, correct?

22 A. Yes.

23 Q. And would have gone through the UL test  
24 process to get that UL 2580 certification.

25 A. Yes.

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1 MR. AYALA: Form.

2 BY MR. LAFLAMME:

3 Q. And you are aware that the hoverboard in  
4 this case was UL 2272 certified, correct?

5 A. Yes.

6 Q. And would have had to go through the  
7 UL 2272 test process to obtain that certification.

8 A. Yes.

9 Q. And the UL test process in order to  
10 obtain UL certification is done to identify whether  
11 the product has certain risks that need to be  
12 addressed on design, correct?

13 A. Yes.

14 Q. With respect to the battery cells in this  
15 case, there were not any battery cells that failed  
16 along the end walls, correct? Or the side walls,  
17 sorry.

18 MR. AYALA: Form.

19 A. I think I would want to take a look at a  
20 picture.

21 Oh, wait. What do you mean by side  
22 walls?

23 BY MR. LAFLAMME:

24 Q. The tube.

25 A. Oh, like a -- for example, like a

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1 puncture? Is that what you mean?

2 Q. A puncture or that there was a -- some  
3 sort of a blowout on a side wall.

4 A. Right. Yeah, I didn't see any side wall  
5 failures.

6 Q. This is going to be a terrible analogy,  
7 but when you put a microwave in a hot dog, how it --  
8 you get a big crack along the length of the hot dog?

9 A. Right.

10 Q. Picture that being the lithium-ion  
11 battery cell. There was not any separating along --  
12 of the side wall of any of the battery cells,  
13 correct?

14 MR. AYALA: Let me just object to the  
15 form. And I think he meant it in the inverse.  
16 You put the hot dog in the microwave, not the  
17 other way around.

18 MR. LAFLAMME: Oh, did I say --

19 MR. AYALA: It would be hard to put a  
20 microwave in the hot dog. Although, nowadays,  
21 who knows what they put in them.

22 MR. LAFLAMME: Yeah, duly noted.

23 That's probably a valid objection, so --

24 MR. AYALA: But you understood what  
25 he was asking you?

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1 A. Yeah, I didn't observe any failures as  
2 you described.

3 BY MR. LAFLAMME:

4 Q. Okay. And the only two cells that had  
5 any failures in which they expelled their contents  
6 were cells 4 and 10, correct?

7 A. Yes.

8 Q. Did you -- you have not done any -- or  
9 strike that.

10 Are you aware of any circuit breakers --  
11 were there any circuit breakers tripped in this  
12 house?

13 A. Not as I sit here. I don't remember any.

14 Q. And circuit breakers will often trip  
15 during a fire when the circuit that it is protecting  
16 is energized and impacted by fire?

17 MR. AYALA: Form.

18 A. Yes. Yes, they can -- they -- I don't  
19 know that they always do, but certainly they can,  
20 yes.

21 BY MR. LAFLAMME:

22 Q. With respect to cells 4 and 10, you  
23 believe -- and I'll use your words -- I think you  
24 used that those cells would have failed near  
25 simultaneously, correct? In your --



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1 A. Approximately, yeah.

2 Q. And with respect to such a failure with  
3 regards to a short circuit, the only way the short  
4 circuit can occur is if the separator has a failure  
5 within the internal cell, correct?

6 A. For an -- yes, for an internal short.

7 Q. And that's what we're talking about here  
8 is an internal short, correct?

9 A. Yes.

10 Q. And then how long, once the separator  
11 fails and there's an internal short, how long does  
12 it take for the cell to expel through its end cap?

13 A. The time varies, but it can be on the  
14 order of a few minutes.

15 Q. A few minutes would be on the high end or  
16 on the average side?

17 A. That would be on the high end.

18 Q. And then what's on the low end? Seconds?

19 A. Seconds, yeah.

20 Q. Have you done any -- let me take a step  
21 back.

22 I assume you have not done any assessment  
23 as to, if the fire had started at the hoverboard,  
24 how the two boys that were in that room were able to  
25 escape uninjured, correct? You haven't done any

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1 fire analysis in that regard?

2 A. Correct.

3 Q. And with respect to your work in this

4 case, you were really just focused on the hoverboard

5 and that's it, correct?

6 A. Yes.

7 Q. Have you ever spoken with anyone from the

8 Wadsworth family?

9 A. No.

10 Q. Have you ever spoken with any witnesses

11 in this case?

12 A. No.

13 Q. Has your only contact in this case been

14 with individuals with Morgan & Morgan?

15 A. Yes. And, of course, at the inspection.

16 Q. Sure. When we were there at the joint

17 inspection?

18 A. Yes.

19 Q. Do you know what temperature carpeting

20 starts to melt at?

21 A. No.

22 Q. Is there any additional work that you

23 plan to do in this case?

24 A. Not -- not that I plan at this time. Not

25 unless I'm asked to.

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1 Q. What did you do to prepare for today's  
2 deposition?

3 A. I reviewed my report. I looked through  
4 the photographs that were provided to me.

5 I looked through the PowerPoint.

6 I skimmed through Sheaman's deposition  
7 over the weekend. That was -- yeah, those were the  
8 things I looked at.

9 Q. Did you meet with counsel at all?

10 A. No. We -- we didn't meet until today.

11 Q. Did you meet this morning before your  
12 deposition?

13 A. Yeah. We met over in the lobby.

14 Q. How long did you guys meet for?

15 A. Five, ten minutes maybe.

16 Q. Did you review any documents in  
17 preparation for your deposition?

18 A. With counsel or --

19 Q. Correct. Yeah.

20 A. No.

21 Q. You already talked about some of the  
22 documents that you reviewed generally lead up to  
23 today --

24 A. Yes.

25 Q. -- correct?

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1 A. Yes.

2 MR. LAFLAMME: I'll go through my  
3 notes here, but I think I'm probably done. I  
4 don't know if Mr. Ayala has any follow-up or  
5 not.

6 MR. AYALA: I have a few. I guess  
7 let's go off the record for a minute just so I  
8 can try and organize my notes.

9 (Recess taken, 2:11 p.m. to  
10 2:17 p.m. PDT)

11 -----  
12 EXAMINATION

13 -----

14 BY MR. AYALA:

15 Q. Mr. King, I have some follow-ups with  
16 you. And bear with me, I'm going to be jumping  
17 around a little bit. And I'd like to start out  
18 where Mr. LaFlamme left off, if I could.

19 He was discussing with you Exhibits 84,  
20 which purports to be the ANSI/CAN/UL/ULC 2580 for  
21 the year 2022, Standard For Safety, as well as  
22 Exhibit 82, which purports to be the UL FMEA testing  
23 relating to the Plasma.

24 Do you recall reviewing those a little  
25 bit ago?

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1 A. Yes.

2 Q. With regards to Exhibit 84, if you turn  
3 to page, I guess 12 -- it's listed as 12.

4 At the very top, same line that it  
5 mentions the page, on the right-hand side, do you  
6 see it says June 28, 2022?

7 A. I see.

8 Q. You are aware of the date of our incident  
9 that we're here about today?

10 A. I believe it was February 2022.

11 Q. The contents of Exhibit 84, are you  
12 familiar or knowledgeable as to whether or not they  
13 were applicable to the full extent represented to  
14 you in this exhibit on the date of incident?

15 A. I'm not aware of what changes --

16 Q. Okay.

17 A. -- existed, you know, prior to this  
18 update.

19 Q. You haven't been showed, for purposes of  
20 today's deposition, any standard applicable on the  
21 date of incident, correct?

22 A. I don't believe so.

23 Q. You were shown Exhibit 82, which  
24 purported to be the FMEA relating to this particular  
25 model, the Plasma model.

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1 And by the way, you mentioned a few  
2 times, undertaking the investigative portion of at  
3 least your scope and your role in this case, at all  
4 times did you assume Jetson to be the manufacturer  
5 of this hoverboard?

6 A. I did, until reading Mr. Husain's  
7 deposition, yes.

8 Q. So, in other words, you had the benefit  
9 of Mr. Husain's deposition to learn that it was in  
10 fact manufactured in China?

11 A. Yes.

12 Q. Do you know if consumers have that same  
13 benefit?

14 A. I'm not aware how easily that's knowable.

15 Q. Can we at least agree that as you looked  
16 at not just the hoverboard related to this case, but  
17 also the exemplar, that the hoverboards are marked  
18 with the Jetson name and logo?

19 A. Yes, I did see that.

20 Q. Looking at Exhibit 82, did you find  
21 anywhere in the exhibit presented to you the testing  
22 for the 2580 relating to this Plasma?

23 A. From -- not in Exhibit 82. There's a  
24 list of tests done, but they're all for 2272.

25 Q. Okay. And as you discussed earlier, the

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1 testing for the 2272 UL, quote/unquote, standard,  
2 does not test for internal shorting; is that  
3 correct?

4 A. I don't believe it does, no.

5 Q. By the way, if you turn to the last page,  
6 that at least a portion of the conclusion was read  
7 to you.

8 A. Okay.

9 Q. It states: A sample of the product  
10 covered by this report has been found to comply with  
11 the requirements covering the category, and the  
12 product is found to comply with UL's applicable  
13 requirements.

14 And then the next sentence says: The  
15 description and test result in this report are only  
16 applicable to the samples investigated by UL.

17 Do you see that?

18 A. Yes.

19 Q. In other words, however many samples were  
20 tested and investigated by UL, this FMEA reporting  
21 relates to those samples, correct?

22 A. Yes.

23 Q. Is that how you read it and interpret it?

24 A. That's what the words say, yes.

25 Q. Okay. Can we at least agree that as it

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1 relates to Jetson hoverboards, and in particular,  
2 the Plasma model, not every unit is tested against  
3 the UL standards, whether it's 2272 or 2580?

4 MR. LAFLAMME: Object to form.

5 A. I think that's a likely -- that's likely  
6 to be true.

7 BY MR. AYALA:

8 Q. In other words, what is at least  
9 demonstrated by Exhibit 82 is that there is a sample  
10 of this particular model that is tested. Not every  
11 unit within that model is actually tested, fair?

12 A. Yes.

13 Q. You've not received, reviewed, or looked  
14 at anything that would lead you to the conclusion  
15 that the Wadsworth hoverboard was a specific unit  
16 tested against the UL standards?

17 A. Correct.

18 Q. Is it your understanding, based on your  
19 background, training, and experience, that  
20 hoverboards offered for sale in the United States  
21 currently must be UL 2272 listed or tested?

22 A. That's my understanding, yes.

23 Q. Would that have been the case in 2023 as  
24 well?

25 A. Yes.



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1 Q. Opposing counsel brought up with you a  
2 little bit earlier in your deposition another Jetson  
3 hoverboard model known as the Rogue.

4 A. Mm-hmm.

5 Q. Do you remember that?

6 A. Yes.

7 Q. Based upon either your work related to  
8 this case or any other cases that you've been  
9 involved with dealing with hoverboards, did you come  
10 to learn that the Jetson Rogue hoverboard or scooter  
11 was in fact recalled back in 2023?

12 A. Yes.

13 Q. And that there was a recall notice that  
14 was posted and put out by the Consumer Product  
15 Safety Commission, correct?

16 A. Yes.

17 Q. And in fact, the Consumer Product Safety  
18 Commission, they are one of the TCs on Exhibit 83  
19 that opposing counsel showed you?

20 A. They are.

21 Q. At some point in time did you review the  
22 recall notice of the Jetson Rogue?

23 A. I did.

24 Q. Did you come to learn that the Jetson  
25 Rogue was a scooter offered for sale with the name

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1 of Jetson and it was at least identified as being UL  
2 certified?

3 A. Yes.

4 Q. UL listed under 2272?

5 A. Correct.

6 Q. And the lithium-ion battery under 2580?

7 A. That one, I didn't see that specifically.

8 Q. Assume with me that it was.

9 A. Okay.

10 Q. How does a hoverboard put out by Jetson,  
11 UL 2272 and UL 2580 rated and certified, how is that  
12 recalled due to a potential for fire hazard?

13 MR. LAFLAMME: Object to form.

14 A. Well, the cause of fire must not be  
15 adequately covered by the testing standards in order  
16 for that to occur.

17 BY MR. AYALA:

18 Q. In other words, products that are UL 2272  
19 and UL 2580 rated and certified can still be a risk  
20 of fire?

21 MR. LAFLAMME: Object to form.

22 A. That appears to be the case, if that's  
23 what occurred with the Rogue, and to the extent that  
24 that occurred here.

25 \* \* \*

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1 BY MR. AYALA:

2 Q. And in fact, in the recall notice put out  
3 by the CPSC, they cited to incidents relating to  
4 that particular model, and one of them involving a  
5 10-year-old and a 15-year-old who died in a fire in  
6 Pennsylvania in April of 2022.

7 Do you remember reviewing that when you  
8 looked at the recall notice?

9 A. I didn't recall that specifically.

10 Q. And it was determined in that case, which  
11 led to the recall, that the Jetson Rogue was the  
12 point of origin of the fire directly in the CPSC  
13 recall notice.

14 Do you recall seeing that?

15 A. Yes.

16 Q. They went on to state: There have been  
17 multiple other reports of the recalled scooters and  
18 hoverboards burning, sparking or melting, several of  
19 which involved reports of flames.

20 Do you recall seeing that in the recall  
21 notice put out by the CPSC?

22 A. Yes.

23 Q. And so even though a product, including  
24 the Plasma in this case, is UL 2272 and UL 2580  
25 rated or certified, that does not prevent the

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1 occurrence of an internal short or some other  
2 malfunction that could lead to a fire hazard.

3 Do you agree with that?

4 MR. LAFLAMME: Object to form.

5 A. Yes. I agree that meeting the standards  
6 is not a guarantee.

7 BY MR. AYALA:

8 Q. By the way, you were shown Exhibit 83  
9 with a list of the TCs. What does TC stand for  
10 again?

11 A. Technical committee.

12 Q. Was Jetson on there?

13 [Document review.]

14 A. I don't see it on here.

15 BY MR. AYALA:

16 Q. Were you shown any document by opposing  
17 counsel of the testing, the FMEA testing performed  
18 relating to the Plasma to comply with this 2580 UL  
19 standard?

20 [Document review.]

21 A. No.

22 So it appears that Exhibit 74 is at least  
23 related to 2580.

24 BY MR. AYALA:

25 Q. Okay. So let's look at that together.

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1 Okay. Refer me to the page, please?

2 A. The second page, 0312.

3 Q. Okay. And what is -- what is Exhibit 74?

4 What is your understanding of what this  
5 document is?

6 A. This is a test report from a UL  
7 laboratory, and the description is that it's  
8 authorizing the manufacturer -- it's just  
9 authorizing the manufacturer to reproduce the report  
10 for purposes in the conclusion.

11 But it appears to be a test report of the  
12 individual cell.

13 Q. Okay. Does this test report describe the  
14 UL 2580 specific requirements as it relates to  
15 testing of those individual cell components?

16 A. Let's see. So on 0314, they have marked  
17 2580 Appendix B.

18 Q. What is Appendix B?

19 A. I'm not familiar with Appendix B.

20 Q. Okay.

21 A. The remainder of this report appears to  
22 be descriptive, so capacities, dimensions. There  
23 are temperature ranges, markings. The last page is  
24 also construction, composition.

25 Q. Okay. So my question is, does anything

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1 in Exhibit 74 outline the individual tests performed  
2 on the battery cell components to ensure its  
3 compliance with 2580 in its entirety?

4 A. No.

5 Q. Have you been shown any document that  
6 relays that type of information specifically as it  
7 relates to the battery cells in the Plasma battery  
8 pack?

9 A. No.

10 Q. Who created this report?

11 A. I'm not certain. Possibly UL LLC.

12 That's who is claiming the copyright.

13 Q. So have you seen or been shown today any  
14 specific testing performed either by Jetson or on  
15 behalf of the Jetson hoverboard by the manufacturer  
16 listed on page 1 of Exhibit 74 that pertains to the  
17 Plasma battery cells?

18 A. No. No, this document does not contain  
19 testing.

20 Q. The front page of 74 states: UL LLC  
21 authorizes the above-named company -- I'm assuming  
22 it's the Jiangxi Jiuding Power New Energy Technology  
23 Co., Ltd. -- the named company to reproduce this  
24 report only for purposes as described in the  
25 Conclusion.

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1 Does 74 contain a conclusion, at least as  
2 it's been presented to you?

3 A. No, it does not.

4 Q. So you don't know what that conclusion  
5 provides or states relating to this UL 2580 and this  
6 named company?

7 A. I do not.

8 Q. The second sentence of that paragraph  
9 says: The report should be reproduced in its  
10 entirety.

11 Do you believe that it was produced in  
12 its entirety since it's missing a conclusion?

13 A. No.

14 MR. AYALA: By the way, for the court  
15 reporter's benefit, the named company is  
16 J-I-A-N-G-X-I, and then Jiuding is  
17 J-I-U-D-I-N-G, hyphen, Power, and the rest of  
18 the name that I read off.

19 I was brave enough to try it.

20 MR. LAFLAMME: It was a good effort.

21 MR. AYALA: It was. I'm sure I fell  
22 short.

23 MR. LAFLAMME: I couldn't tell you  
24 how accurate it is, though.

25 \* \* \*

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1 BY MR. AYALA:

2 Q. You were asked questions by opposing  
3 counsel relating to whether or not you've ever  
4 worked for companies that design or manufacture  
5 lithium-ion batteries.

6 Do you remember some of that early on?

7 A. Yes.

8 Q. And your response was no, correct?

9 A. Correct.

10 Q. And despite not having worked for such  
11 companies, in your past and in your experience, you  
12 have had exposure to lithium-ion batteries where  
13 you've been called to inspect and investigate and  
14 analyze those types of batteries. Is that fair?

15 A. Yes.

16 Q. Obviously, this is one of those cases.  
17 You mentioned another hoverboard case you were asked  
18 to assist with?

19 A. Yes.

20 Q. In addition to those two, as part of your  
21 experience -- your work experience with BEAR, have  
22 there been cases taken for investigation and  
23 inspection involving electric scooters?

24 A. Yes.

25 Q. Have you been involved with cases at BEAR



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1 involving other types of lithium-ion batteries where  
2 you've been called upon to inspect and analyze  
3 failures?

4 A. Yes.

5 Q. What types of products have you looked at  
6 and investigated and inspected lithium-ion  
7 batteries?

8 A. I assisted with an electric bike or two  
9 or three. I don't recall the count.

10 Many e-cigarette applications.

11 A -- I would call it like a power bank  
12 type of device.

13 Q. And in all of those cases where you've  
14 been involved in inspecting and analyzing and  
15 investigating lithium-ion battery failures, I would  
16 assume, and correct me if I'm wrong, but the  
17 capacities of those various lithium-ion batteries  
18 vary?

19 MR. LAFLAMME: Object to form.

20 Go ahead.

21 A. Yes.

22 BY MR. AYALA:

23 Q. But as it relates to how those batteries  
24 are put together and generally operate, are they  
25 similar in nature?

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1 A. They are similar in the overall  
2 construction.

3 Q. So when it comes to your experience in  
4 inspecting and analyzing lithium-ion batteries that  
5 are integrated into products, like the one we're  
6 dealing with in this case, you not only have that  
7 familiarity, but you have that experience as it  
8 relates to analyzing and understanding those types  
9 of failures. Is that fair?

10 MR. LAFLAMME: Object to form.

11 A. Yes.

12 BY MR. AYALA:

13 Q. You were asked questions about some of  
14 the wiring that may be seen on one or two of the  
15 photos and them retaining their color.

16 Do you remember some of those questions?

17 A. Yes.

18 Q. And you've been asked questions about the  
19 possibility of this fire originating somewhere other  
20 than at the hoverboard.

21 Do you remember some of that?

22 A. Yes.

23 Q. As part of your inspection and  
24 investigation in this case, did you analyze the  
25 possibility of the fire not having originated in

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1 this hoverboard battery pack?

2 A. I considered that possibility, yes.

3 Q. Okay. And you've reviewed the photos,  
4 you've considered just based on some of your  
5 background, training, and experience. Is that fair?

6 A. Yes.

7 Q. Have you reviewed, over the course of  
8 your -- over the course of your career, have you  
9 reviewed research and literature that talks about  
10 lithium-ion battery failures?

11 A. Yes.

12 MR. LAFLAMME: Object to form.

13 BY MR. AYALA:

14 Q. Have you reviewed literature and seen  
15 research and conducted your own investigations as to  
16 electrical arcing and the significance or  
17 insignificance of that?

18 A. Yes, with -- especially with respect to  
19 lithium batteries.

20 Q. You discussed with opposing counsel the  
21 fact that the colored wires that existed would  
22 not -- you wouldn't expect to see electrical arcing  
23 relating to those wires unless the motor was on and  
24 activated. Is that true?

25 A. Right. Because I don't believe those

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1 wires would be energized.

2 Q. And let me ask you, because there was a  
3 lot of time spent on whether you were familiar with  
4 the melting temperature of rubber, whether you were  
5 familiar with the melting temperature of various  
6 other materials.

7 Do you remember some of those questions?

8 A. Yes.

9 Q. You were even asked whether you were  
10 familiar with the melting temperature of the casing  
11 for the wiring.

12 Do you remember that?

13 A. Yes.

14 Q. Have you considered in this case, as part  
15 of your investigation and involvement, if the fire  
16 originated from an outside source, meaning not the  
17 hoverboard, the effect and impact the outside source  
18 of that fire would have on the wiring?

19 MR. LAFLAMME: Object to form.

20 A. I did have some consideration for that,  
21 yes.

22 BY MR. AYALA:

23 Q. Would you expect that if a fire that  
24 consumed the Wadsworth home would have consumed the  
25 hoverboard, as we have seen in the various

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1 photographs included in your file as well as in this  
2 case in its entirety, would you expect the wiring,  
3 the wiring casing to be melted?

4 A. Overall, that wiring has -- it goes  
5 through that metal tube. It's like a hollow axle,  
6 with a wheel.

7 I mean, whether the fire was inside --  
8 started inside of the hoverboard or came from  
9 outside, it's not surprising that that short section  
10 would be potentially protected.

11 Q. All right. And regardless of whether the  
12 fire started internally within the hoverboard  
13 battery pack or externally by some other source, the  
14 effect and impact on the hoverboard in terms of its  
15 destruction, would you see it as one and the same?

16 A. Well, if it was external, then it -- it  
17 depends on the -- how the fire progresses through  
18 the home and reaches the hoverboard. You know, the  
19 hoverboard is less damaged on the bottom, which is  
20 at least suggestive that if there was the external  
21 fire reaching it, it approached from the top of the  
22 hoverboard, versus starting inside the hoverboard;  
23 you know, the battery pack is at approximately  
24 midline. It's not surprising that it would burn  
25 upwards.

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1 Q. Okay. In other words, in response to  
2 some of the questions you were asked about the  
3 underside of that hoverboard, the wheels, the  
4 carpeting, it's not surprising to you in your  
5 investigation that portions of the carpeting were  
6 still intact?

7 MR. LAFLAMME: Object to form.

8 A. Yes. It's -- I mean, seeing portions of  
9 carpet intact, in other -- this fire and in other  
10 fires, that just happens when there's a -- some kind  
11 of obstruction between flame and the carpet. So,  
12 no, it's not a surprising observance.

13 BY MR. AYALA:

14 Q. The amount of either burn, melting, or  
15 destruction to the underside of the hoverboard  
16 wheels, would that also depend on the direction of  
17 which the -- either explosion or expulsion from the  
18 battery pack occurring?

19 MR. LAFLAMME: Object to form.

20 A. With regard to the wheels?

21 BY MR. AYALA:

22 Q. Correct. With regard to the underside of  
23 the wheels that you were shown.

24 A. Oh, yes. The portion that was in contact  
25 with the carpet?

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1 Q. Correct.

2 A. No. That portion being in contact with  
3 the carpet, we saw that area was already protected  
4 somewhat from the fire, so no, it's not surprising  
5 that the wheels were also mostly -- or the tread was  
6 intact.

7 Q. You were asked whether you were surprised  
8 that the failure that occurred at .78 inches away  
9 would not have burned away the wire casing, the  
10 colored wire casing.

11 Do you remember that question?

12 A. Yes.

13 Q. Whether the hoverboard was the source or  
14 the hoverboard was attacked by fire, you're still of  
15 the opinion that this fire originated as a result of  
16 the failure of the battery cells that you have  
17 identified?

18 A. Right. The color remaining -- you know,  
19 the wire insulation remaining intact, I only recall  
20 seeing a short section, so -- and to me, that looks  
21 like the section that would be inside that metal  
22 tube, you know, when everything is assembled tightly  
23 in its original state.

24 I feel like there's more to your  
25 question, but --

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1 Q. I think you answered it.

2 You were asked questions and shown a few  
3 of the CT images of the internal tabs within the  
4 battery cells.

5 Do you remember that?

6 A. Yes.

7 Q. And you were asked questions about  
8 whether or not you would expect them to be -- to  
9 have some destruction if, in fact, there was a short  
10 circuit internally.

11 Do you remember that?

12 A. Yes. Yeah, I remember.

13 Q. Is there -- is it possible for the tabs  
14 within the battery cells to remain intact even in  
15 the occurrence of a short circuit?

16 A. Yes. And I think this is a good example  
17 of that.

18 You know, to me it's clear that the  
19 batteries, these two batteries -- cells exploded,  
20 because the top caps are gone, the contents are  
21 ejected and gone. The crimp that holds the top cap  
22 is opened. So I don't think there's any reason to  
23 doubt that the battery exploded open with internal  
24 pressure.

25 The fact that the negative tabs appear to



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1 be largely intact is -- it's unusual, but it's

2 not -- you know, their destruction is not a

3 requirement for a cell to explode.

4 Q. And if the -- there's a few facts that at

5 least you've been able to establish from your

6 involvement in the case, one of them being that

7 cells 4 and 10 exploded.

8 A. Yes.

9 Q. Whether it's because of an internal short

10 circuit or an external source, they exploded.

11 MR. LAFLAMME: Object to form.

12 A. Right. It could have included due to

13 external heating. That's possible.

14 BY MR. AYALA:

15 Q. And the fact that the tabs seen on these

16 CT scans 76 and 77, the exhibits to your deposition,

17 whether the source was an internal short or external

18 fire, the fact is that they ruptured. So if you

19 expect to see them in some fashion destroyed, well,

20 then you should expect to see them destroyed whether

21 internal combustion, if you will, or an external

22 source.

23 A. Right.

24 Q. And so what 76 and 77 demonstrate is that

25 even when battery cells rupture, explode, it doesn't

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1 necessarily follow that the internal tabs will be  
2 destroyed. Is that fair?

3 A. That's fair. That's my interpretation of  
4 this evidence.

5 Q. Is that consistent, at the very least,  
6 with what you've learned and possibly even seen over  
7 the course of your career with the various  
8 lithium-ion research and inspections and  
9 investigations that you've done?

10 A. Yes. We -- we've seen negative tabs in a  
11 variety of conditions. Yeah, I don't recall the  
12 whole range of conditions offhand.

13 Q. Okay. But at the very least, there was  
14 some in conditions similar to what you've seen in  
15 this case? Is that fair?

16 A. Yes.

17 Q. You were not involved in the removal of  
18 the hoverboard from its original location at the  
19 home, correct?

20 A. Correct.

21 Q. Whoever was involved in the removal of  
22 that -- of the hoverboard from its original location  
23 and its original condition, you've not spoken with  
24 them?

25 A. Correct.

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1 Q. You don't know what components were  
2 moved, changed, or otherwise, if any?

3 MR. LAFLAMME: Object to form.

4 BY MR. AYALA:

5 Q. Is that fair?

6 A. That's fair.

7 Q. So when you're shown pictures, like CT  
8 images that seem to suggest that the hoverboard was  
9 not plugged in at the time of this incident, you are  
10 unfamiliar with the specifics of how it is that the  
11 hoverboard got from its original location to  
12 ultimately being imaged, which was shown on -- let  
13 me find the exhibit.

14 On Exhibit 80. Is that fair?

15 MR. LAFLAMME: Object to form.

16 A. So specifically, I am not familiar with  
17 the condition of the hoverboard prior to it arriving  
18 at our office the first time, other than a few  
19 photos from -- which were provided by you -- of  
20 other people's investigation.

21 BY MR. AYALA:

22 Q. And you were asked early on whether you  
23 had any evidence that you were relying upon relating  
24 to the hoverboard being plugged in at the time of  
25 incident.

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1 Do you remember that?

2 A. Yes, I think so.

3 Q. And you were asked that question in  
4 conjunction with whether -- you know, what  
5 depositions and deposition testimony you had  
6 reviewed or had not reviewed.

7 Do you remember that?

8 A. Yes.

9 Q. You did review the Sweetwater County  
10 Sheriff's Office Public Investigative Report,  
11 however, correct?

12 A. Yes, I did.

13 Q. And in that report, on what appears to be  
14 page 8 of 15 of that report, it talks about  
15 Detective Sheaman's involvement in his  
16 investigation.

17 And a little bit south of halfway through  
18 the page, the paragraph begins with, "While  
19 observing."

20 A. Yes.

21 Q. Okay. It says: While observing  
22 electrical wiring and components in the bedroom and  
23 closet, Detective Sheaman found nothing suspicious.  
24 However, Detective Sheaman did notice an outlet that  
25 showed that something had been inserted into the

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1 lower plug. There was melted plastic covering the  
2 lower plug holes and were -- and wires were coming  
3 out of the melted plastic. This showed that  
4 something may have been plugged into the outlet,  
5 maybe a charger.

6 Do you see that?

7 A. Yes.

8 Q. Is that, at the very least, one piece of  
9 evidence that you relied upon in the totality of all  
10 the other evidence, but at least one piece that you  
11 relied upon for your assumption that this hoverboard  
12 was plugged in at the time of incident?

13 A. Yes, this was a part of it.

14 Q. You mentioned you had not reviewed the  
15 children's deposition testimonies yet, correct?

16 A. Correct.

17 Q. Is that something you anticipate looking  
18 at?

19 A. I think I will.

20 Q. Okay. If there's anything that -- after  
21 your review of those depositions, that changes your  
22 opinions at all, will you let me know?

23 A. Of course.

24 Q. Same thing as to Detective Sheaman's. If  
25 there's anything that you review that affects,

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1 impacts, and changes your opinions, will you let me  
2 know that?

3 A. Yes.

4 Q. You were asked questions about the  
5 circuit board and whether or not you would expect it  
6 to have some fire damage or destruction if this fire  
7 began with the battery cell.

8 Do you remember some of those questions?

9 A. Yes.

10 Q. Similar to the questions I asked you  
11 about the tires and the carpet and the wiring, if  
12 this hoverboard had been attacked by an outside  
13 source, by a fire from the outside, would you expect  
14 the same or similar damage to the circuit board as  
15 what's evident now?

16 MR. LAFLAMME: Object to form.

17 A. With respect to an external fire reaching  
18 the hoverboard, the condition of the circuit board  
19 would depend on the amount of protection that it had  
20 from the fire.

21 So in that case, I mean, being under --  
22 under a battery pack within the board, it -- it  
23 seems like it would -- it's reasonable that it could  
24 also remain intact due to an external fire.

25 \* \* \*

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1 BY MR. AYALA:

2 Q. The portion of your report, Section 6,  
3 that deals with -- and is titled Design, FMEA and  
4 Risk Assessment, the information that you've placed  
5 on page 10, 11, 12, and the first paragraph of 13,  
6 is that all information that really outlines the  
7 background and almost definitions of what the FMEA  
8 and Risk Assessment portion or analysis is all  
9 about?

10 A. Yes. It's -- it's meant to be background  
11 and explanatory about FMEA, in general.

12 Q. Okay. You were asked early on in your  
13 deposition about opinions that have been either  
14 limited or stricken in other cases.

15 Do you remember some of that discussion?

16 A. Yes.

17 Q. And in particular, a case called  
18 Bettencourt was discussed with you.

19 Do you remember that?

20 A. Yes, I believe so.

21 Q. And it was represented to you that in  
22 that Bettencourt case, that your opinions -- at  
23 least that a majority of your opinions were  
24 stricken.

25 Do you remember that?

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1 A. Yes. I think I was told three out of  
2 five.

3 Q. Right.

4 And those -- those opinions that -- or at  
5 least a portion of those opinions that were stricken  
6 in the Bettencourt case -- do you recall that?

7 A. Yes, I recall it now.

8 Q. What is your recollection or  
9 understanding as to what led to the striking of that  
10 portion of your opinion?

11 A. The one that -- opinion that I recall  
12 specifically is the FMEA opinion. And the  
13 circumstances leading to that being stricken were  
14 not -- it wasn't clear to me.

15 I reviewed documents produced by the  
16 defendant. Those documents did not include an FMEA.  
17 Therefore, I concluded that they did not perform an  
18 FMEA.

19 Q. Okay. In other words, is it your  
20 understanding that documents were requested relating  
21 to FMEA, documents and records received relating to  
22 that same request and provided to you for review,  
23 and from what you received and reviewed, there was  
24 no documentation to suggest or evidence FMEA being  
25 performed?



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1 MR. LAFLAMME: Object to form.

2 A. Correct.

3 BY MR. AYALA:

4 Q. And your conclusion based upon what you  
5 were provided, or really not provided, was that  
6 proper FMEA had not been not been conducted?

7 MR. LAFLAMME: Object to form.

8 A. That's correct.

9 BY MR. AYALA:

10 Q. And based upon that conclusion, the Court  
11 did not allow your opinion?

12 MR. LAFLAMME: Object to form.

13 A. It's not clear to me on what basis the  
14 Court did not allow that opinion.

15 BY MR. AYALA:

16 Q. The opinions that you're offering in this  
17 case, would it be fair to say they're based upon  
18 certainly your inspection of this hoverboard?

19 A. Yes.

20 Q. And its components?

21 A. Yes.

22 Q. As well as the pictures provided to you  
23 relating to this case?

24 A. Yes.

25 Q. As well as your background, your

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1 training, your experience?

2 A. Yes.

3 Q. As well as any additional information

4 such as investigative reports and certainly the

5 depositions that you have in your possession?

6 A. Yes, generally. To the degree that I've

7 read those.

8 Q. And any research or literature that

9 you've reviewed over the years relating specifically

10 to these issues we're talking about today with

11 lithium-ion batteries?

12 A. Yes.

13 Q. Based upon your inspection and the

14 totality of your investigation in this case, can you

15 conclude, more likely than not, within a reasonable

16 degree of engineering probability, that the fire

17 that we're here to talk about today originated as a

18 result of a malfunction or a defect in this battery

19 cell within the battery pack of the Wadsworth

20 hoverboard?

21 MR. LAFLAMME: Object to form.

22 A. Yes. So overall, I think that's the most

23 likely based on -- you know, considering if a fire

24 did reach the board and consumed the board, I would

25 expect the other cells in the pack to have also

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1 exploded, if explosions were the result of external  
2 heating.

3 BY MR. AYALA:

4 Q. Let me see if I understood what you just  
5 said.

6 If the explosion of this hoverboard was  
7 due to an external heating origin, you would have  
8 expected the remainder of those battery cells to  
9 have further exploded?

10 A. Yes.

11 Q. The fact that cells 4 and 10 were the  
12 only ones that exploded, does that lead you to  
13 believe that it was directly related to an internal  
14 short in those cells?

15 MR. LAFLAMME: Object to form.

16 A. More likely than not, yes.

17 BY MR. AYALA:

18 Q. Okay. The direction in which those cells  
19 ruptured or exploded, does that any in way, shape,  
20 or form, affect the possibility of the other battery  
21 cells exploding?

22 MR. LAFLAMME: Object to form.

23 A. No. No, I don't believe it does.

24 BY MR. AYALA:

25 Q. Okay. In the case of an internal short,

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1 is it possible for isolated battery cells to explode  
2 and not the entirety of the pack?

3 A. That's -- that is the expected behavior,  
4 is that an isolated battery would -- that  
5 experiences an internal short would -- only itself  
6 would explode. It's not impossible that it could  
7 cause a chain reaction, but I don't think that's --  
8 that's not typical that I've seen.

9 Q. Okay. And then is it -- is it more  
10 likely that when the short occurs, as in this case,  
11 in two cells that are isolated, that that, then,  
12 could lead to the fire -- the flames as you, I  
13 believe, described it earlier, an explosion?

14 MR. LAFLAMME: Object to form.

15 A. Right. So yes, internal shorting can  
16 lead to flames and explosions.

17 BY MR. AYALA:

18 Q. Without the other cells exploding?

19 A. Right, without -- without sufficient heat  
20 going into the adjacent cells and triggering  
21 explosions there, right.

22 Q. Okay. You were asked early in your  
23 deposition, as we looked at Exhibit 73, about the  
24 possibility of the fire starting outside of the  
25 boys' bedroom window.

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1 Do you remember some of those questions?

2 A. Yes.

3 Q. And you were asked specifically about the  
4 fiberglass that is beyond the wall and in between  
5 some of those studs.

6 Do you remember that?

7 A. Yes.

8 Q. And the suggestion made to you from  
9 questioning was that that insulation would have, in  
10 some fashion, protected the studs from burning down.

11 Do you remember that?

12 A. Yes.

13 Q. You were also asked questions and  
14 discussed the boys' bed that was just to the other  
15 side of that window.

16 Do you remember that?

17 A. Yes.

18 Q. And the suggestion made to you was that  
19 that was, in essence, fuel for the fire.

20 Do you remember that?

21 A. Yes.

22 Q. If that bed caught on fire due to fire  
23 coming in through that open window, would you expect  
24 that the bed, which was up against that wall, would  
25 have burnt or destroyed those studs more than what's

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1 evidenced on page 73?

2 MR. LAFLAMME: Object to form.

3 Exceeds this witness' expertise.

4 A. That's certainly a reasonable conclusion,  
5 yes.

6 BY MR. AYALA:

7 Q. I mean, you were asked questions about  
8 whether the bed acts as fuel, the effect and impact  
9 of insulation on the studs burning or burning more  
10 or burning less.

11 And so now I'm asking you whether or not  
12 you believe that this bed catching on fire because  
13 of the fire entering through the window, whether or  
14 not that would have led to further burning,  
15 charring, or destruction of those studs.

16 Is that something that you've seen in  
17 your experience and investigations?

18 MR. LAFLAMME: Object to form.

19 A. Sorry, that was a long question.

20 BY MR. AYALA:

21 Q. That's fine.

22 A. Could you --

23 Q. No, it's fine. Don't worry about it.

24 A. -- redo?

25 Q. Is it possible for lithium-ion batteries

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1 like the one in this hoverboard to either short  
2 circuit or fail while not being plugged into an  
3 electrical source?

4 A. So I think it may depend on the failure  
5 mode of the separator.

6 Q. Okay.

7 A. Yeah. It -- I can't answer that with  
8 certainty at this time.

9 Q. Well, let me ask you this: Have you  
10 either seen through your own investigations and  
11 inspections or learned through research or  
12 literature that it is possible for lithium-ion  
13 batteries to fail almost spontaneously without being  
14 plugged into an electrical source?

15 MR. LAFLAMME: Object to form.

16 A. So, you know, in many of the e-cigarette  
17 cases, the battery explosions happen in people's  
18 pockets, so they're not necessarily connected to --  
19 they're not like in the charger being charged or in  
20 the device discharging.

21 BY MR. AYALA:

22 Q. Okay.

23 A. Yeah.

24 Q. You were asked whether or not you  
25 reviewed any bodycam footage from first responders

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1 in this case.

2       You didn't review any of that, right?

3       A.    Correct.

4       Q.    Did you -- as far as your involvement and  
5 the scope of your involvement goes, is that a piece  
6 of evidence that you feel you need to review for any  
7 reason?

8           MR. LAFLAMME: Object to form.

9       A.    Well, my understanding of my scope was  
10 looking at the hoverboard evidence, you know,  
11 personally, directly, to determine if -- if it was  
12 consistent with a -- being an origin of fire.

13 BY MR. AYALA:

14       Q.    And based upon your understanding of your  
15 scope, do you believe that it -- it is -- all the  
16 evidence you reviewed is consistent with the battery  
17 cells of this hoverboard being, at the very least,  
18 the cause of this fire?

19           MR. LAFLAMME: Object to form.

20       A.    More likely.

21 BY MR. AYALA:

22       Q.    More likely than not?

23       A.    Than not, yes.

24       Q.    Okay. As far as the questions asked of  
25 you regarding V patterns and inverted cone patterns



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1 and all of that stuff, you're relying on other  
2 experts in the case to talk about those components  
3 of fire damage; is that fair?

4 A. Yes.

5 Q. Regarding any of the hypotheticals of the  
6 fire originating outside or in some other location,  
7 the only thing you're here to talk about is the fire  
8 originating in this battery cell based upon your  
9 observations, inspection, and investigation. Is  
10 that true?

11 MR. LAFLAMME: Object to form.

12 A. Yes, that's my understanding of why I'm  
13 here.

14 BY MR. AYALA:

15 Q. And despite UL listings and  
16 certifications, you believe that this battery pack,  
17 and specifically the battery cells 4 and 10 within  
18 the pack, were defective?

19 A. Yes. So that -- that gets into a deeper  
20 root cause which we did not get into, but, you know,  
21 we would need to look at also if the battery cells  
22 and battery management system design were, let's  
23 say, appropriate, for the usage, for the loads being  
24 drawn and the power -- sorry, the charge and  
25 discharge cycles experienced.

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1           So it -- it may not be that the cell was  
2 specifically defective, but maybe as part of the  
3 overall design, it may not have been the appropriate  
4 cell to use.

5       Q.   All in all, can we at least agree that in  
6 a consumer product like this hoverboard, that the  
7 battery pack integrated into it should not explode?

8       A.   Yes.

9       Q.   And it's your belief, based upon your  
10 background, training, experience, and review in this  
11 case, that the battery pack in this case did  
12 explode, which led to the fire at the Wadsworth home  
13 more likely than not?

14      A.   More likely than not.

15           MR. AYALA: Okay. Thank you, sir.

16      Those are all of my questions.

17           MR. LAFLAMME: So I have some  
18 follow-ups, as you might expect.

19           -----

20           EXAMINATION

21           -----

22 BY MR. LAFLAMME:

23      Q.   Tell me every single lithium-ion battery  
24 fire case that you have worked on.

25      A.   So with regard -- so the lithium-ion

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1 battery cases that I've worked on, I believe the  
2 vast majority of them involved at least a fire of  
3 the cell but not necessarily a structure fire.

4 Q. You mentioned e-cigarettes.

5 A. Yes.

6 Q. How many of those cases have you worked  
7 on, that involved an ignition through the  
8 lithium-ion battery?

9 A. I would estimate dozens. Many.

10 Q. All right. Any in which you've been the  
11 lead investigator?

12 A. No.

13 Q. So in each of those, you've been an  
14 assistant investigator?

15 A. Yes.

16 Q. And you would not have authored a report  
17 for any of those e-cigarette cases that you've just  
18 referenced, correct?

19 A. Correct.

20 Q. And you wouldn't have provided any  
21 testimony with respect to any e-cigarette cases,  
22 correct?

23 A. Correct.

24 Q. How many lithium-ion batteries are in an  
25 e-cig?

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1 A. Ranges from one to -- one or two is the  
2 most common.

3 Q. What's the UL standard applicable to  
4 e-cigarettes?

5 A. I don't recall the number.

6 Q. It's not UL 2272, is it?

7 A. No.

8 Q. So aside from the e-cigarette cases in  
9 which you have assisted others, we're aware of the  
10 one other hoverboard in which -- case in which you  
11 assisted one of your co-workers, correct?

12 A. Yes.

13 Q. And then this case, correct?

14 A. Correct.

15 Q. Does that run the full list?

16 MR. AYALA: Form.

17 BY MR. LAFLAMME:

18 Q. Does that run the full list of  
19 lithium-ion battery fire cases that you have worked  
20 on?

21 A. There were some e-bike, electric bike.

22 Q. Were there e-bike fires?

23 A. Yes.

24 Q. Okay. How many of those have you worked  
25 on?

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1 A. One, I remember distinctly, but I believe  
2 there may have been one or two more.

3 Q. You were not the primary expert on  
4 either -- any of those, were you?

5 A. Correct.

6 Q. You have never authored a report related  
7 to an e-bike fire case, have you?

8 A. Correct.

9 Q. You have not provided any testimony  
10 related to an e-bike fire case, correct?

11 A. Correct.

12 Q. You were merely an assistant to someone  
13 else on those e-bike fire cases, correct?

14 MR. AYALA: Form.

15 A. Correct.

16 BY MR. LAFLAMME:

17 Q. And, in fact, you weren't even a  
18 professional engineer until last year, correct?

19 A. Correct.

20 Q. Have we now exhausted the list of all of  
21 the lithium-ion battery fire cases that you've  
22 worked on?

23 A. I believe so.

24 Q. So the only one in which you have  
25 actually authored a report related to an alleged

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1 lithium-ion battery case is this one?

2 A. Yes.

3 Q. And the only one in which you've ever sat  
4 for a deposition related to a lithium-ion -- an  
5 alleged lithium-ion battery fire is this case,  
6 correct?

7 A. Yes.

8 Q. And the only case in which you've been  
9 named as an expert, disclosed as an expert for a  
10 lithium-ion battery case, involving an alleged fire  
11 is this one?

12 A. Yes.

13 Q. You indicated that you considered the  
14 possibility of the fire not starting at the  
15 hoverboard as part of your investigation in this to  
16 Attorney Ayala.

17 Do you recall that?

18 A. Yes.

19 Q. But then later, you said the scope of  
20 your work was to only look at the hoverboard  
21 evidence, correct?

22 A. Was to look at the hoverboard evidence to  
23 see if it is consistent or not with internal -- with  
24 being a fire origin.

25 Q. You have not done anything to assess

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1 whether the fire could have started at the smoking  
2 shed, correct?

3 A. Correct.

4 Q. And the only physical evidence that you  
5 have looked at is the hoverboard, correct?

6 A. Yes.

7 Q. And you'll agree that lithium-ion battery  
8 cells can fail when they are subject to an external  
9 fire attack?

10 A. Yes.

11 Q. And you don't -- you haven't done any  
12 assessment to determine how this fire may have moved  
13 through the Wadsworth structure, correct?

14 A. Correct.

15 Q. One of the things that you said is that  
16 an internal short within a lithium-ion battery  
17 should only affect that singular cell.

18 Do you recall that?

19 A. Yes.

20 Q. And in this case, you're saying that two  
21 singular cells had a short circuit, correct?

22 A. Yes.

23 Q. So at substantially the same time, two  
24 different cells in two different parts of this  
25 battery pack had a failure of the separators within

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1 those individual cells, correct?

2 A. Yes.

3 Q. And they had a failure of the separator  
4 at substantially the same time to the extent that  
5 they both short-circuited at substantially the same  
6 time.

7 That's your theory, correct?

8 A. That's what it -- that's what it appears  
9 to be.

10 Q. Have you ever had another case where two  
11 individual cells short-circuited at the same time?

12 A. No.

13 Q. That would be pretty unusual, wouldn't  
14 it?

15 MR. AYALA: Form.

16 A. It's unusual, so far.

17 BY MR. LAFLAMME:

18 Q. Meaning you have to have an individual  
19 failure within cell 4, at substantially the same  
20 time as you have an individual but completely  
21 separate failure at cell 10, correct?

22 A. Yes.

23 Q. That's what you're saying in this case.

24 MR. AYALA: Form.

25 He's said what he's saying.



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1 A. Yes. Yes. I believe it's a coincidence,  
2 but that's what appears to have occurred.

3 BY MR. LAFLAMME:

4 Q. Have you done any research to determine  
5 the percentage chance of that coincidence?

6 A. No.

7 MR. AYALA: Form.

8 BY MR. LAFLAMME:

9 Q. The individual cell itself, the  
10 conditions that we see cells 4 and 10 in after the  
11 fire, those conditions would have the same  
12 appearance if it was an external fire attack as  
13 well, correct?

14 A. Yes. For those individual cells, yes.

15 Q. Meaning when lithium-ion battery cells  
16 fail in a fire due to a fire attack, the appearance  
17 is similar to what we see the two cells that have  
18 failed in this case.

19 A. Yes.

20 Q. You were asked if it's possible to have a  
21 short -- an internal short with the cell -- or,  
22 sorry, with the hoverboard not plugged in.

23 Do you recall that?

24 A. Yes.

25 Q. You'd agree with me that it's very

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1 difficult to have an internal short circuit if the  
2 hoverboard is not plugged in, correct?

3 MR. AYALA: Form.

4 A. Yes. It's a low likelihood --

5 BY MR. LAFLAMME:

6 Q. It's a very low --

7 A. -- versus --

8 Q. Sorry, go ahead.

9 A. Than versus if it was plugged in and  
10 charging.

11 Q. And the reason being because there's no  
12 continuous energy provided to those cells if the  
13 hoverboard is not plugged in, correct?

14 MR. AYALA: Form.

15 A. That's -- I mean, that's a way to put it,  
16 yes.

17 BY MR. LAFLAMME:

18 Q. One of the things that you had indicated  
19 to Attorney Ayala was that if you were to look at a  
20 further root analysis, there may be an issue with  
21 the cell not being the appropriate cell to use?

22 A. Yes.

23 Q. Do you have any indication that the  
24 lithium-ion battery cells utilized in this battery  
25 pack were not appropriate for its application?

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1 A. I have not collected the data to make  
2 that determination yet.

3 Q. You understand that the hoverboard as a  
4 whole, in order to be UL 2272, needs to specify the  
5 battery pack and cells that are going to be used,  
6 correct?

7 A. Yes.

8 Q. And you understand that this hoverboard  
9 was UL 2272 certified, correct?

10 A. Yes.

11 Q. So you don't have any evidence that the  
12 cells that were utilized for this hoverboard were  
13 not the correct cells, correct?

14 A. Right. I haven't done that investigation  
15 level yet.

16 Q. You talked with Mr. Ayala about the  
17 wiring that was adjacent to the battery pack, and  
18 how it was associated with the wheel, correct?

19 A. Yes.

20 Q. And that you wouldn't expect that wiring  
21 to be energized unless the hoverboard is being used.

22 A. Right.

23 Q. There would have been wires energized  
24 within the hoverboard if the hoverboard had been  
25 plugged in even not in use, correct?

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1 MR. AYALA: Form.

2 A. Yes, I believe there would be.

3 BY MR. LAFLAMME:

4 Q. Meaning if the hoverboard is plugged in,  
5 while some of the wires may not be energized, there  
6 would certainly be some internal wires that are  
7 energized when it's plugged in?

8 A. Yes, the -- let's see. There would be,  
9 at least from the charger port into probably the  
10 DMS. And that's probably at a fairly low  
11 energization, if the battery -- if it's fully  
12 charged.

13 Q. That section of wiring, though, would  
14 have power to it, correct, meaning it would be  
15 energized?

16 A. Yes.

17 Q. And it would be energized to the extent  
18 that had it been attacked by fire while plugged in,  
19 you could see an arc in that area?

20 MR. AYALA: Form.

21 A. That -- that, I don't -- I don't know if  
22 that's true offhand.

23 BY MR. LAFLAMME:

24 Q. Okay. Regardless, I think we agree,  
25 there wasn't any arcing that was found on any of the

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1 internal wiring in the hoverboard, correct?

2 A. That's true.

3 Q. And there wasn't any arcing found on the  
4 house wiring immediately adjacent to where the  
5 hoverboard was located, correct?

6 A. Not that I read about.

7 Q. As an expert doing an investigation, you  
8 agree that it's important to have as much  
9 information as you can about the fire loss, correct?

10 A. Yes.

11 MR. AYALA: Form.

12 A. In general, yes.

13 BY MR. LAFLAMME:

14 Q. I mean, as an engineer, you want all the  
15 information that's available, right?

16 A. Yes.

17 Q. And you want to have the opportunity to  
18 review all the information that's available during  
19 your investigation.

20 A. Yes.

21 Q. You don't want parts of the  
22 investigation -- or parts of whatever information is  
23 available to be hidden from you, correct?

24 MR. AYALA: Form.

25 A. True.

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1 BY MR. LAFLAMME:

2 Q. And you agree with me that there were a  
3 number of documents that you've seen here today that  
4 you had not seen prior to today, correct?

5 A. True. Yes.

6 Q. And you indicated that you have not seen  
7 any photographs from the lab inspection at Palmer's  
8 lab, correct?

9 A. Correct.

10 Q. Are you aware at all of what  
11 Mrs. Wadsworth's activities were the evening before  
12 and in the early morning hours before the fire?

13 A. No.

14 Q. Do you know that she had smoked in that  
15 smoking shed a couple of hours before this fire was  
16 reported?

17 A. No.

18 MR. AYALA: Form.

19 BY MR. LAFLAMME:

20 Q. Are you first learning that right now?

21 A. Yes.

22 Q. Did you know that she had upwards of ten  
23 alcoholic drinks that evening?

24 MR. AYALA: Form.

25 A. No.

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1 BY MR. LAFLAMME:

2 Q. You are first learning about that now?

3 A. Yes.

4 Q. Were there any outside studies or  
5 standards that you relied on that were not  
6 referenced in your report?

7 A. I mean, there's literature that I have  
8 read that's part of my general kind of background  
9 knowledge at this point, but --

10 Q. So what is that --

11 A. -- the --

12 Q. Sorry. Go ahead.

13 A. Just that wasn't specific to this case.

14 Q. Okay.

15 A. Yeah.

16 Q. As far as the literature that you have  
17 read over your career as general background  
18 knowledge, any of it that you would reference or  
19 cite as specific to this case?

20 A. Not -- I think it's applicable. It's  
21 applicable information, but I'm not really more  
22 specific than that.

23 Q. Applicable in what way?

24 A. Well, there are some 20 -- I want to say  
25 around 20 -- I want to say 2015 articles on thermal

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1 runaway within battery packs. So those were, you  
2 know, it was done in the lab, and people wrote  
3 papers about it.

4 Q. When you say 2015, you're talking about  
5 the year?

6 A. Yes. Yeah.

7 Q. And that's kind of when lithium-ion  
8 battery products were being introduced to the  
9 market, correct?

10 A. Yes.

11 Q. So back in 2015 when a lot of these  
12 products were first being introduced to the market,  
13 there were some articles about how there were some  
14 issues with the products from a potential fire  
15 perspective?

16 A. Yes.

17 Q. Okay. Are those the articles that you're  
18 talking about?

19 A. Yes.

20 Q. And as a result of those issues back in  
21 2014-15 and those articles, you understand that UL  
22 then got involved and created some standards for  
23 products that utilize lithium-ion batteries,  
24 correct?

25 A. That sounds reasonable. I'm not really



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1 familiar with UL's initiating motivation.

2 Q. Well, one of those standards was UL 2272,  
3 applicable to -- or at least that hoverboards fall  
4 under.

5 MR. AYALA: Form.

6 BY MR. LAFLAMME:

7 Q. Correct?

8 A. Yes.

9 Q. Do you know when that standard was first  
10 issued?

11 A. No.

12 Q. You don't know if it was put together in  
13 2016 and became effective early 2017? You don't  
14 know the initial date for UL 2272?

15 A. I don't.

16 Q. Would it surprise you to know that  
17 Detective Sheaman was not aware of a smoking shed  
18 outside the boys' bedroom?

19 MR. AYALA: Form.

20 A. I suppose that would be surprising.

21 BY MR. LAFLAMME:

22 Q. You would expect an origin and cause  
23 investigator to fully process the scene before they  
24 issue any opinions, correct?

25 MR. AYALA: Form.

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1 A. Yeah. I think that sounds reasonable.

2 BY MR. LAFLAMME:

3 Q. And you would expect an origin and cause  
4 investigator to review body camera footage that was  
5 taken by his own department where some of the  
6 individuals involved in the fire made statements  
7 about where they first saw the fire, correct?

8 MR. AYALA: Form.

9 A. Yeah. Certainly at some point.

10 BY MR. LAFLAMME:

11 Q. It would be important to your analysis to  
12 know if the statements from the Wadsworth children  
13 immediately after the fire on that morning on body  
14 camera footage stated that the fire started outside?

15 MR. AYALA: Form.

16 A. That would be -- that would be a good bit  
17 of information to know.

18 MR. LAFLAMME: I think that's all the  
19 questions I have for now, sir. Thank you.

20 -----

21 EXAMINATION

22 -----

23 BY MR. AYALA:

24 Q. So assume with me that the kids made  
25 statements as they're sitting outside of their home

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1 burning, on fire, next to their mother, whose body  
2 is almost completely burnt at the time, assume with  
3 me that their statements were that they believe the  
4 fire started outside.

5       Do you then, as an expert in your field,  
6 with your scope of practice, ignore the findings of  
7 your inspection?

8       A.   Certainly not my inspection of the board.  
9 We'd proceed in the same way, regardless of witness  
10 statements.

11      Q.   You don't ignore the results of your  
12 inspection and the experience and your background  
13 and your training when coming to the conclusions  
14 that you do?

15      A.   Correct.

16      Q.   You were asked whether or not you knew  
17 that Stephanie Wadsworth smoked the night of the  
18 fire in that shed, whether you knew that she drank  
19 alcohol the night of the fire, again, even assuming  
20 all of that to be true in the way it was  
21 characterized to you, do you then ignore the results  
22 of your own hands-on inspection and no longer rely  
23 upon those facts that you yourself have analyzed?

24           MR. LAFLAMME: Object to form.

25      A.   Right. I still am reliant upon my own

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1 review of evidence, especially what I have seen  
2 firsthand.

3 BY MR. AYALA:

4 Q. What opposing counsel didn't tell you is  
5 that she also testified that the space heater in  
6 that shed was off.

7 Did you know that?

8 A. No, I didn't -- I wasn't aware of the  
9 state of the heater.

10 Q. And that any cigarette that she smoked  
11 was off. Did you know that?

12 A. I wasn't aware either way if she was  
13 smoking.

14 Q. Despite seeing some additional documents  
15 that you were shown today and have been attached to  
16 your deposition, did any of those documents in any  
17 way, shape, or form, change your analysis or your  
18 conclusions in this case?

19 A. So far, no. I mean, we talked earlier,  
20 that achieving UL approval for a given standard  
21 isn't a guarantee of -- isn't a guarantee of safety.  
22 It's certainly good to do, but it's not a guarantee.  
23 And despite the certification, I still have the --  
24 you know, my review of the evidence.

25 Q. And we know it's not a guarantee, because

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1 as opposing counsel established, Jetson itself  
2 recalled their Rogue models that were UL 2272 and  
3 2580 certified, right?

4 A. Yes.

5 Q. And by the way, you were asked about the  
6 external fire attack and this -- as they like to  
7 paint it, this phenomena that two cells, almost  
8 simultaneously, short-circuited and how rare that  
9 might be.

10 If this hoverboard was attacked by fire,  
11 wouldn't it be equally as rare that only cells 4 and  
12 10 exploded?

13 MR. LAFLAMME: Object to form.

14 A. Right. If these cells are susceptible to  
15 explosion due to external heating, then I would  
16 expect more -- most of the cells that were also  
17 exposed to fire to also explode.

18 BY MR. AYALA:

19 Q. And so what makes the most sense is that  
20 within those individual cells, 4 and 10, that they  
21 had specific issues, individually, which caused them  
22 to malfunction; i.e., explode?

23 MR. LAFLAMME: Object to form.

24 A. So that's -- that's the conclusion I  
25 reached for saying it's more likely that the cells

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1 were an origin for fire.

2 That's all. I've lost my train of

3 thought.

4 MR. AYALA: Okay. That's it. Thank

5 you.

6 -----

7 EXAMINATION

8 -----

9 BY MR. LAFLAMME:

10 Q. With respect to the Jetson Rogue and the

11 recall that it underwent, you said you don't know

12 the circumstances of the Kaufman fire, correct?

13 A. Correct.

14 Q. And you don't know whether there was an

15 aftermarket charger that was used for the Kaufman

16 use of that -- or charging of the hoverboard,

17 correct?

18 A. Correct.

19 Q. And as far as you are aware, there's no

20 potential issue with an improper charger or

21 aftermarket charger being used by the Wadsworth

22 family in this case?

23 MR. AYALA: Form.

24 A. I'm not aware.

25 \* \* \*

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1 BY MR. AYALA:

2 Q. You haven't seen any evidence that the  
3 Wadsworth family purchased an aftermarket charger  
4 for this hoverboard, correct?

5 A. Correct.

6 MR. LAFLAMME: Okay. That's all I  
7 have. Thank you.

8 MR. AYALA: We'll read. And I'm sure  
9 it will be ordered. I'll take an e-tran copy.  
10 Thank you.

11 THE STENOGRAPHER: When do you need  
12 it?

13 MR. LAFLAMME: This week. By Friday  
14 is fine. I'll give you a full week.

15 THE STENOGRAPHER: Do you need yours  
16 by Friday as well, Mr. Ayala?

17 MR. AYALA: Sure. Why not.

18 (Time noted: 3:46 p.m. PDT)

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1 CERTIFICATE

2

3 I, DEBRA A. DIBBLE, RDR, CRR, CRC, Notary  
4 Public, do hereby certify:

5 That DEREK A. KING, M.S., P.E., the witness  
6 whose deposition is hereinbefore set forth, was duly  
7 sworn by me and that such deposition is a true  
8 record of the testimony given by such witness;

9 That pursuant to FRCP Rule 30, signature of  
10 the witness was requested by the witness or other  
11 party before the conclusion of the deposition;

12 I further certify that I am not related to any  
13 of the parties to this action by blood or marriage,  
14 and that I am in no way interested in the outcome of  
15 this matter.

16 IN WITNESS WHEREOF, I have hereunto set my  
17 hand on this 23rd day of August, 2024.

18  
19 *Debra Dibble*

Debra A. Dibble  
20 Fellow of the Academy of Professional Reporters  
Registered Diplomate Reporter  
21 Certified Realtime Reporter  
Notary Public 11/17/2027  
22 CA 14345

23

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25



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1 I HEREBY CERTIFY that I have read  
2 this transcript of my deposition, and that  
3 this transcript accurately states the testimony  
4 given by me, with the changes or corrections, if  
5 any, as noted.

6

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10 X \_\_\_\_\_

11 DEREK A. KING, M.S., P.E.

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1 ERRATA SHEET FOR THE TRANSCRIPT OF:

2 CASE NAME: Wadsworth v Walmart

3 DEP DATE: August 19, 2024

4 DEPONENT: DEREK A. KING, M.S., P.E.

5 Pg. Ln. Now Reads Should Read Reason

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25 DEREK A. KING, M.S., P.E.